ACKNOWLEDGEMENT

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(1 NEXT 11A)

1940

E ~~130~~

PALESTINE & TRANSJORDAN.

E 1366

27 MAR 1940

1

Registry Number } E 1366/50/31

FROM
Mr. Houstoun-Boswall.
No. 121.
(38/38/40)
Dated 16th March, 1940.
Received in Registry } 27th March, 1940.
E: Palestine and Transjordan.

Iraqi criticism of His Majesty's Government's Palestine policy.

Transmits extracts from Al Istiqlal of 13th March
1) commenting on issue of Palestine land regulations and expressing view that more than this is needed to restore Arab confidence in His Majesty's Government;
2) giving substance of General Nuri's statement in Chamber of Deputies regarding Arab Governments' efforts on behalf of Palestine.
(Copy sent to Jerusalem).

Last Paper.
E 1362

References.

(Print.)

(How disposed of.)
14) C.O. with E 1362 Apr. 3.

(Minutes.)

Nothing seems to satisfy the Istiqlal.

Copy C.O.

30/3

C.P.
2nd April.

(Action completed.)
A 7814

(Index.)

Next Paper.
E 1527

20009 9/39 F.O.P.

No. 121.
(38/38/40)

~~131~~

HIS Majesty's Chargé d'Affaires at Bagdad presents his compliments to H.M's Principal Secretary of State for Foreign Affairs, and has the honour to transmit to him the under-mentioned documents.

British Embassy,
Bagdad.

16th March, 19..40.

Reference to previous correspondence :

Description of Enclosure.

Name and Date.	Subject.
Extract from the Local Press dated 13th March, 1940.	Palestine.

(Copy sent to Jerusalem).

ENCLOSURE IN BAGDAD DESPATCH
NO. 121 DATED 16th MARCH 1940.

~~137~~

Extract from Local Press dated 13th March, 1940.

Al Istiglal.

Destroyed Confidence.

Unrest beneath the Surface among the Arabs of Palestine.

In a leading article headed as above commenting on the passage in the British Colonial Secretary's recent statement in the House of Commons defending the new land regulations in Palestine, in which he alluded to "warnings received from Palestine in recent weeks that despite the appearance of calm in Palestine there is beneath the surface growing unrest among the Arabs and a growing suspicion that the British Government are not sincere in their professions" and pointing out that "if we now destroyed confidence in the British promises the whole mood of the Arab population in Palestine might well change", the editor writes:-

"The Arabs are gratified to find a leading British statesman and one responsible for the British policy in Palestine admit that the Arabs once had confidence in the British Government and that that confidence was destroyed due to certain reasons which led to its destruction. Arabs would have possibly felt more gratified still had Mr. Macdonald plainly revealed, or at least alluded to, the causes which led to this loss of confidence.

"It is most surprising that Mr. Macdonald should believe that enforcement of the new land regulations will bring about a change in the mood of the inhabitants of Palestine and will restore their confidence in Britain. Can such change possibly take place with these regulations being such as allow the sale of land to Jews in the fertile and valuable regions and thereby create for the Jews a right such as they had not enjoyed in the past and make a matter of established law what was once a mere

innovation?/

innovations? It could, possibly, had the Arabs before the rebellion been in a state of hardship (for lack of land) and had the rebellion been due to such state of hardship. Such was not, however the case. The rebellion was due to other causes of a more grave nature, and confidence (in Britain) was lost for reasons of a nature more important than those which Mr. Macdonald alluded to in pointing out that confidence might be restored by the enforcement of these regulations. The actual reasons and causes are well known and have often been declared and discussed in writing. Foremost among them perhaps stands the attempt at converting an Arab country into a national home for the Jews, an attempt which the White Paper has not denied and which the new land regulations are incapable of stopping.

"Restoration of Arab confidence in Britain is not easy of accomplishment. Promises are no longer enough to secure the satisfaction of peoples and communities, who want something practical to restore their shaken confidence, and who in the first instance demand that they should not be made objects of mockery and derision by ill-advised attempts to secure their satisfaction by deceitful means.

"We agree with Mr. Macdonald when he says 'despite the appearance of calm in Palestine there is beneath the surface unrest among the Arabs'. We certainly agree with ~~them~~ him. The calm prevailing in Palestine is accounted for by circumstances of a compelling nature, to which the Arabs have had to submit inevitably. These circumstances are not destined to last indefinitely, unless, however, British policy eventually makes for the extermination of the Arabs in that country, a thing which our conscience is disinclined to believe. These circmstances are bound ultimately to disappear of their own or as a result of world events and developments, when that calm is not unlikely to turn into its opposite, because, in the words of Mr. Macdonald himself, which we repeat without comment, 'there is beneath the surface growing unrest among the Arabs'."

Important/

Important Statement by the Prime Minister about the Palestine Question.

In the course of the examination by the Finance Committee of the Chamber of Deputies of the budget estimates of the Ministry of Foreign Affairs, His Excellency Saiyid Nuri al Said, Prime Minister and Acting Minister for Foreign Affairs, made to members of the Committee a number of important statements concerning foreign affairs in the course of which, referring to the efforts being exerted by the Government in connexion with the Palestine question, His Excellency declared that acting in cooperation with (the Government of) other Arab countries, who shared their responsibility for efforts at securing a settlement of the Palestine question, the Government were sparing no effort to that end, and added that he viewed with optimism the relative improvement in British policy in Palestine as revealed by the recent statement of the (British) Colonial Secretary. His Excellency also referred to Iraq's strong adherence to the Saadabad Pact and to the 'cordial spirit' prevailing among the States signatories of the Pact.

71A

1940

E ~~135~~

PALESTINE & TRANSJORDAN

E 1527

9 APR 1940

6

Registry Number } E 1527/~~1537~~ 50/31.

TELEGRAM FROM
Mr. Stonehewer-Bird,
Jedda.

No. 62 Decypher.

Dated 8th Apr;1940.

Received in Registry } 9th Apr;1940.

E:Palestine and Transjordan.

Destitute Palestinians in Iraq.

Refers to Jedda telegram No. 35 of 28th February (E 895/31/31). Ibn Saud has expressed his appreciation of His Majesty's Government's present policy in Palestine. During recent meeting General Nuri discussed with Ibn Saud question of destitute Palestinians in Iraq and suggested that Arab states including Egypt should collect fund for their relief. Ibn Saud would prefer to leave matter to His Majesty's Government and Palestine authorities. Sheikh Hafez Wahba has spoken to His Majesty's Ambassador, Bagdad on subject.

Repeated to Bagdad No. 26, Cairo No. 25 for Middle East Intelligence Centre No. 22.

Last Paper.

(E 7568/7568/31 - 39)
E 1366

References.

(Print.)

(How disposed of.)

14) Jo. Apr. 9th.

(Action completed.) PM 2/5

(Index.)

Next Paper.

E 1551

(Minutes.)

Copy is being sent to CO.

This, I think, is possibly a "trying on." Nuri need not have allowed the destitute Palestinians into Iraq. Having done so, he is responsible for them. It is absurd to suggest that, because they thought they could not earn their livelihood in Palestine, they had to go to Iraq where they are even more likely to be destitute.

I imagine that there is no reason why any Palestine Arab should be destitute in his own country, except through his own fault. It might take the wind out of the sails of this kind of complaint if the position was explained

explained in the Arabic broadcast.*

We shall probably hear from Baghdad about this.

If we reply to this telegram, we might simply ask Mr. Bird to thank Ibn Saud for his message and to say that the friendly settlement with Nuri has given the greatest pleasure here.

Mr. Bowker 7 E3126.4. H. V. Caccia Price 9th April

* This is being done - on the lines laid down in E 969.

I think that we might ask Bagdad for their obs., if not already sent, and have prepared a draft, which might go to Mr. Downie. Transferred to E1684

17th April 1940

Copies to Cairo & Min. of N. Room 411

~~136~~ 7 E

E 1527

9 APR 1940

LIMITED DISTRIBUTION.

Decypher. Mr. Stonehewer Bird (Jedda).

8th April, 1940.

D. 5. 0 p.m. 8th April, 1940.

R. 6.10 p.m. 8th April, 1940.

No: 62.

11111111 E895/31/31

My telegram No. 35 of February 28th 1940.

Ibn Saud has asked me to convey to His Majesty's Government his appreciation of the policy recently adopted in Palestine. He has learnt that the situation has very considerably improved and is confident that it will shortly be entirely normal.

2. There is, however, one inconsistency in this connexion, which is causing him and the Iraqi Government concern, namely, the presence in Iraq of a great number of destitute Palestinians. These persons are begging alms on the plea that they have had to leave their own country where the Government have not made it possible for them to earn a living. Their presence in Iraq in a destitute condition is bad for British prestige and an excuse for enemy propaganda. Nuri Pasha discussed this question with Ibn Saud at the instance of the [? Chargé d'Affaires] at Riyadh and suggested that the Arab States including Egypt should get together and collect a fund for the relief of distressed Palestinians. Ibn Saud though he would prefer to leave the matter for settlement by His Majesty's Government and Palestine authorities feels that he would have to join in any such scheme.

3. His reason for informing me privately was that he wished His Majesty's Government to know that the scheme was afoot. He emphasised in his message that he considered that it would be preferable in the interest of British prestige if the British authorities solved the problem without the intervention of the Arab States.

4. I gathered from the Acting Minister for Foreign Affairs that Sheikh Hafiz Wahba had spoken to His Majesty's Ambassador at Bagdad on this subject.

Repeated to Bagdad telegram No. 26 of January 22nd, telegram No. 25 Cairo, and for Middle Eastern Intelligence Centre telegram No. 22.

12. Last 11 A.

1940

E 137

PALESTINE & TRANSJORDAN.

E 1551
9 APR 1940

8

Registry Number } E 1551/50/31

FROM Sir Basil Newton, Bagdad.

No. 129 (61/18/40).

Dated 25th Mar;1940.

Received in Registry } 9th Apr;1940.

E:Palestine and Transjordan.

Parliamentary Question regarding Palestine asked in Iraqi Chamber of Deputies.

In reply to a question by Ibrahim Altar Bashi, regarding recent hanging of Palestinians, General Nuri said that Iraqi Government continued to do all they could to safeguard interests of Palestinian Arabs.

(Copy sent to Jerusalem).

Last Paper.

E 1527.

References.

(Minutes.)

This seems to indicate that we can not do enough to make known the true facts in regard to the return of Palestinian refugees. Ibrahim Altar Bashi's misstatements should have been corrected at once and this could have been done if his remarks had been telegraphed to us. Even now it is not too late to refer to them in a broadcast and to give convincing proof that they are not correct.

Copy to C.O.

H.V. Boyden.

A.V. Cowling Rice.
12th April

(Print.)

(How disposed of.)

14) C.O. Apr. 1940

(Action completed.) AR 30/4

(Index.)

Next Paper.

E 1639

20009 9/39 F.O.P.

17/4/40

Two

Two statements about the clemency measures in Palestine ~~were just been~~ were broadcast in Arabic by the B.B.C. ~~m~~ on 19th April (item 4) and 20th April (item 10). These, I think, explain the grounds on which certain executions have been carried out and make it ~~that~~ clear that the Palestine Government, far from intending to "exterminate the Arabs", is only too anxious for innocent refugees to return + live in peace.

J.E. Bowen 26.4.

29/4

No. 129.
(61/18/40)

~~138~~

9

HIS Majesty's Ambassador at Bagdad presents his compliments to H.M's Principal Secretary of State for Foreign Affairs, and has the honour to transmit to him the under-mentioned documents.

British.....Embassy,.....
.....Bagdad.....
.....

E 1551
9 APR 1940

.....25th March....., 19.40.

Reference to previous correspondence:

Description of Enclosure.

Name and Date.	Subject.
Parliamentary Question - 22nd March, 1940.	Palestine.

(Copy sent to Jerusalem).

3479 18315 (4)

ENCLOSURE IN BAGDAD DESPATCH
NO. 129 OF 25.3.40

Parliamentary Question.

22nd March, 1940.

PALESTINE.

Ibrahim Attar Bashi (by written question) asked the Acting Minister for Foreign Affairs whether reports had reached the Government that death sentences continued to be passed by the ten on Arabs in Palestine who were being sent to the gallows, notwithstanding the subsidence of the rebellion, which had followed the declaration of war, and the hope that the Palestine question would be given a fair settlement, a hope which had been disappointed. Did the Government know that sentences to death by hanging had so increased that within one single month 21 persons were executed by hanging ? If the Government were acquainted with these reports, what attempt or mediation had they undertaken with a view to putting an end to this human massacre, and with what results ?

Nuri Said (Acting Minister for Foreign Affairs).

"I admit that I am not adequately prepared to reply to this question. I promise however to give the Chamber a more direct and plain reply in a statement which I shall make during the debate on the estimates of the Foreign Ministry at the next meeting of the Chamber.

"For the present, I can state that the Iraq Government have been doing, and continue to do, their duty towards Palestine and towards other Arab countries. I would, however, request my questioner constantly to keep in mind the fact, previously pointed out by me to this assembly, that such problem of Palestine is not one with which Iraq can deal alone and singly. It has always been the subject of joint discussions by all Arab States. An answer cannot be given to this question before we first get in touch with other Arab States, and when we have done so the answer to be given will

/be

be satisfactory and plain. Other Arab States have been lending equal attention to the Palestine question as Iraq."

Ibrahim Attar Bashi.

"I thank His Excellency the Prime Minister for his valuable statement. I have no doubt that the present as well as former Governments of Iraq and also the Government of other Arab countries have exerted great efforts on behalf of Palestine. It is, however, a matter for regret that these efforts have so far proved unsuccessful. National obligations, therefore call for the doubling of efforts with a view to securing a solution for this problem which has become intolerable. Indications exist such as go to show that the authorities in Palestine are intent on exterminating the Arabs in Palestine or reducing them to a minority; whereas upon the declaration of war the Arabs, acting dutifully by the Allies, declared themselves for the latter and called off the rebel movement lest that movement should be exploited by the enemies of the Allies. By so doing the Arabs gave proof of their goodwill towards the Allies and their faithfulness to their British Ally, in the hope that the latter would reciprocate their conduct and give a fair and just settlement to the Palestine problem. Events, however, proved otherwise, and the Ally of the Arabs re-acted to the honourable stand taken by them by the erection of gallows. Following on the subsidence of the rebellion the Ally of the Arabs announced that any native of Palestine who had not actually committed an act of murder could return home. Following on that announcement a number of natives of Palestine returned home, but the authorities arrested some of these returned men and sentenced them to death on charges so insignificant as that of bearing a rifle. I, therefore, beg that the Government should intervene in the matter and prevail upon our Ally to give a fair and just settlement to the Palestinian problem."

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(3)

1070

E 141

PALESTINE & TRANSJORDAN

E 1639 12

12 APR 1940

Registry Number E 1639/50/31.

FROM Sir B.Newton, Bagdad.

No. 141 (38/48/40)

Dated 2nd Apr.1940.

Received in Registry 12th Apr.1940.

E:Palestine and Transjordan.

Iraqi attitude towards situation in Palestine.

Transmits report on debate in Iraqi Chamber of Deputies on 28th March during which this subject was discussed.

Comments on fact that General Nuri defended His Majesty's Government's White Paper Policy.

(Copies sent to Cairo, Jedda, Jerusalem and Middle East Intelligence Centre).

Last Paper.

E1551

References.

(Print.)

(How disposed of.)

14) C.O. W.O. Apr. 24.

(Action completed.) 12/5

(Index.) 23/6

Next Paper.

E.1684

(Minutes.)

I doubt if even the H. of C. has heard more dreadful nonsense than that talked by these hon. members.

C.O. W.O.

16/4

Only Nuri Pasha's remarks, beginning on page 5, are worth reading.

A. V. Coverley Price
17th April

P. 1/D
26/4

26/4/40

20009 9/39 F.O.P.

(3

1050

E ~~141~~

PALESTINE & TRANS-JORDAN

E 1639 / 12 APR 1940

12

Registry Number E 1639/50/31.

FROM Sir B.Newton, Bagdad.

No. 141 (38/48/40)

Dated 2nd Apr.1940.

Received in Registry 12th Apr.1940.

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Last Paper.

E1551

References.

(Minutes.)

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Copy C.O.
W.O.

H V Hyam
16/4

Only Nuri Pasha's remarks, beginning on page 5, are worth reading.

A. V. Coverley Price
17th April

P. 1/10
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30/4

L.M.
26/4/40

(Print.)

(How disposed of.)

14) C.O.
W.O.
Apr. 24.

(Action completed.)

(Index.)

Next Paper.

E.1684

20009 9/39 F.O.P.

~~142~~

No. 141.
(38/48/40)

British Embassy,
Bagdad.
2nd April, 1940.

My Lord,

I have the honour to transmit to Your Lordship herewith a report on a recent debate in the Iraqi Chamber of Deputies during which the attitude of the Iraqi Government towards the situation in Palestine was discussed at some length.

2. It will be noticed that Nuri Said (then still Prime Minister) counselled moderation and defended the principles of the policy outlined in His Majesty's Government's White Paper on Palestine.

3. I am sending copies of this despatch to His Majesty's Representatives at Cairo and Jedda, to His Majesty's High Commissioner for Palestine and to the Combined Middle East Intelligence Centre.

I have the honour to be with the highest respect,
My Lord,
Your Lordship's most obedient,
humble Servant,

Basil Newton

The Right Honourable
The Viscount Halifax,
K.G., G.C.S.I., G.C.I.E.,
etc., etc., etc.

Proceedings of Parliament.

Chamber of Deputies.

Meeting of 28th March, 1940.

After disposing of a few items of routine business, the Chamber continued their consideration of the Budget and debated the vote for the Ministry of Foreign Affairs.

The following is a summary of the debate :-

Mahmud Ramiz. Iraq's foreign policy, based as it is on friendly cooperation with neighbouring states with whom Iraq is bound by the Saadabad Pact and on the Anglo-Iraqi Treaty, is a safe policy. Britain should realise the value to her of this policy and not lightly disregard its advantages. It seems to be necessary to remind our ally, however, that Iraq and her neighbouring states have a deep interest in Palestine. I do not call upon H.E. the Prime Minister to do anything which might embarrass the government but I should like to know for how long death sentences will continue in Palestine. Iraq has been doing more than her duty towards her ally and is entitled to ask that her Ally should treat the Arabs fairly and not to hang and kill them. This is an important matter which deserves attention. I do not suggest that the Arab countries should despatch armies for the deliverance of Palestine but I do say that England and her French ally should improve their policy towards the Arabs of Palestine and Syria. The question of Palestine is one of life or death for the Arabs. The Arabs might compromise with their ally on everything except on the question of their national home, of which they cannot concede a single square foot. Nor can the Arabs keep silent about their brethren. A true alliance must be in the interests of both parties and each party must respect the feelings of the other. Therefore we trust that our ally will show regard for Arab feelings and put an end to executions in Palestine. A fair settlement of the Palestine question is needed and Britain should move her ally to satisfy Syrian aspirations. When this has been done, the

Arabs will stand united at the side of their ally.

The Arabs are in a most critical situation. On one hand they have to think of the interests of their nation, which require an understanding with Britain, and on the other hand they must think of settling the great Arab problem of Palestine. We hope that Arab statesmen will be able to solve this problem while still maintaining good understanding with our Ally. The Arabs rendered great services to the Allies in the last war but at the close of that war the Arabs had had thrust upon them the ill fated Balfour Declaration and they began to suspect British intentions. Nevertheless when the present war began, the Arabs fulfilled their obligations regardless of money or human life. Britain, however, persisted in her policy in Palestine and published the White Paper which was received with ill feeling among Arabs, because it meant dividing Palestine and establishing a Zionist Government there. We want to deliver Palestine from the evils of Zionism but we seek also to retain Britain's friendship. Britain's insistence on her Palestine policy is therefore painful to those like myself who advocate the strengthening of Anglo-Arab friendship, and find in that policy a menace to good relations between the two peoples. I have no doubt that Britain's reluctance to side with the Arabs is due to two factors: namely, the weakness of Arab countries and lack of agreement among them and Zionist influence in London and Paris. I have said on previous occasions that Zionism was the main cause for the instability of Anglo-Arab friendship. Britain must, therefore, be on her guard against the evil of Zionism which has ambitions extending beyond Palestine. What the Zionists are seeking is not to secure the settlement of half a million Zionists but, as their declarations indicate, the conquest of Arabia. This ambition should not strike us as surprising. The Jews in America and Europe are strong both financially and culturally. If they succeeded in tightening their hold

on a strip of Arab territory they would ensure the support of 17 million Jews with whose help they can easily move on Syria and Egypt and invade them. It is against this great danger that every Arab should struggle.

Shaikh Hassan Suhail. On every occasion when the State budget is under discussion everybody including Ministers and Deputies hear it said that Palestine is oppressed. Palestine is an Arab and Moslem country and has the sympathy of all Moslems and Arabs. Most unfortunately, however, our Ally has failed to listen to the representations of Arab governments concerning Palestine. This failure no doubt causes pain. We are a democratic people and allies of Great Britain. We shall support our Ally at no matter what cost and we must stand by the democracies regardless of whether or not we are bound to do so by treaty. I again say that it is our duty to stand by Great Britain and I do not think that any one can deny that this is the right thing to do. On the other hand it is the duty of our British Ally to respect the feelings of the Arabs, and this being so, she must change her policy in Palestine. Close racial and other ties bind the people of Iraq to the Arabs of Palestine and Iraqis cannot fail to help their brothers.

Zamil al Manna'. Meetings and conferences attended by Arab leaders have been held in London and elsewhere but with what result? Words are of no use and these speeches of ours are all like wind. The Palestine question can be settled only by the sword. Our Ally has abandoned the friendship of the Arabs who cooperated with her and has betrayed them for money.

Said Haji Thabit. We are compelled to speak about the Palestine question not only in view of the menace to that country but also of the threat to other Arab countries including Iraq. We give first place to Palestine in our discussions, because the question of that Arab country has

become an article of faith with the majority of people. Arab unity cannot be achieved until Arab countries show more interest in this ideal than they do now. In the past, when we took up the Arab question, we had to contend with considerable difficulties; now, however, we see that even the present government welcomes discussion on the question, so much so that this Chamber has become the pulpit from which this question is frankly debated. The Arabs helped the Allies in the last Great War, and in the present war have again openly declared their support for the Allies. I approve of this action because it proves to the world that we always honour our pledged word and fulfil our undertakings. Our own interests demand that we should support the Democratic powers. Britain and her ally France should, however, have appreciated this attitude of the Arabs and settled the Palestinian and Syrian questions, or should at least have given a promise to that effect. We had hoped that Britain would have made some small concession to Palestine out of consideration for the feelings of the Arab nation and Moslem peoples. Instead, the calling off of the rebellion led to a wholesale killing of Arabs in Palestine by the British. I urge the Acting Foreign Minister to lend this matter his earnest attention and to convey to Britain the views of the Chamber of Deputies on this question which are those of the whole of Iraq.

Daud al Sa'di. Iraq will oppose all aggressors but her population is only 5 million and she cannot, therefore, deal an aggressor a mortal blow. We should, therefore, establish a greater Iraq comprising the entire Arab Orient. We must establish an Arab military hegemony to defend the Arab countries. It is a matter for regret that territory that formerly formed part of the province of Bagdad is now under the protection of our Ally. What does this benefit her ? It would be better for the Arabs and Britain that these territories should be united with Iraq to form one. The Allies should grant independence to all Arab countries not

yet free and afford them the opportunity to unite. For, if war breaks out in the Orient, the Allies will find no Arab coming to their help so long as Arabs remain under foreign rule. On the other hand if the Arab countries enjoy self government, the Allies will find a military bloc ready to defend themselves and their Allies.

As for Palestine that is a question of the complete extermination of one people in favour of another who constitute, moreover, a threat to other Arab countries including Iraq. The interests of Iraq demand that Palestine should form an outlet for Iraq on the Mediterranean; but how can this hope be realised so long as British policy seeks to establish the Zionists in that country. The Arabs want Palestine for the Arabs but the British want Palestine for the Jews. How can these two objects be reconciled? What is needed is practical action to resist this policy and to render it incapable of achieving its object.

The greater menace to the Arabs in Palestine is the transfer of lands to the Jews. The best means of dealing with this menace is for Arabs in Arab countries other than Palestine to purchase land in Palestine. A fund for this purpose must be raised from Auqaf monies in countries such as Iraq and Egypt.

The Prime Minister (Nuri al Said). Gentlemen, I apologize for my absence the day before yesterday owing to previous engagements. Having heard the Honourable Members speak, I will now answer as far as circumstances allow me. I should like to draw the attention of the House to my last statement in which I said to the best of my ability that the public interest may not allow us to extend discussion especially in foreign affairs and I also pointed out to the House on a previous occasion that foreign affairs differ from home affairs. The Government can pass legislation and give effect to decisions of the Cabinet inside the country in all political or administrative matters relating to home affairs.

Foreign Affairs, however, are different, depending as they do on difficult negotiations between governments lasting sometimes longer than seems necessary. If foreign affairs were based on right, justice and international law, on promises and written treaties, and if abundant goodwill existed between the two parties there would be no doubt that they would bear results satisfactory to both parties. The Honourable Members doubtless recall that on September 1st when war was declared I made a clear statement which though brief represents not only the views of the House and of the Iraqi people but also those of every Moslem and every Arab; my words were: The policy which we follow and want is a policy based on right and justice which ensures the settlement of our difficulties by peaceful negotiation carried out in a spirit of mutual understanding and fairness for the good of the world. These words express the same feelings as those I have heard voiced by the speakers in the House. I should like to take this opportunity to point out in the name of the Iraqi Government, the Iraqi nation, the Arabs and world public opinion, that the only way to solve the present difficulties whether in Palestine or Syria or any other Arab country is to establish self government based on independence. Without the establishment of self government the present difficulties will remain. In this connection I may point out that endeavours to reconcile different points of views and to find a solution for the Palestine problem have so far ensured for Palestine self government based on independence. As for immigration you will find that it has been limited as laid down in the White Paper. If, however, there is no national government in that country to supervise it and to see to its enforcement, to control illegal immigration, and to enjoy the confidence of the people, the difficulties will still remain.

As for the promises made to the Zionists, these ~~xxxxxx~~ never included the promise of the establishment of a Jewish state. Britain never gave such a promise. She promised only to

establish a Jewish National Home in Palestine. Britain did not define what this home was and the evil remained but the White Paper for the first time in 20 years has defined it.

Gentlemen, some speakers have sought to discuss the question of Arab unity. I would like every member of the House to think of the other Arab states when discussing this matter. If we speak broadly and ignore the fact that there are Arab kingdoms with great Kings as their heads then we shall be harming the very cause for which we are all working. Iraq will remain Iraq ~~so that~~ even if Arab unity is realised or an Arab Empire is formed. Iraq will remain Iraq, Palestine Palestine and Syria Syria. Do not let us imagine a large Iraq or a small one; this leads to interpretations which may be exploited.

Gentlemen, in conclusion I should like to warn you all to be on your guard against the evil propaganda of those persons who do not wish Iraq well but who seek only their own gain. Those people have sold their conscience to foreigners and exploit popular ~~entitlement~~ sentiment and simplicity to their own ends, forgetting their country's interests. Do not be deceived by them.

The Minister of Finance then rose and proposed the addition of a sum of I.D. 6,000 for relief work among Arabs in Palestine under a new vote to be opened for the purpose. His proposal was loudly applauded and the Chamber then adjourned.

14

1940

E

~~119~~

PALESTINE & TRANSJORDAN

21

E 1684

16 APR 1940

Registry Number } E 1684/50/31.

TELEGRAM FROM
Sir Miles Lampson,
Cairo.
No. 222 Decypher.

Dated 14th Apr;1940.
Received in Registry 16th Apr;1940.

E:Palestine and Transjordan.

Proposal that Arab Governments should communicate with H.M.G. regarding Palestine.

Refers to Jedda telegram No.62 of 8th April (E 1527/1527/31).Has been informed by Egyptian Prime Minister that Sheikh Hafez Wahba,on behalf of Saudi and Iraqi Governments,had asked Egyptian Government to join others in sending communication to H.M.G suggesting general amnesty for Palestinians.Yemen Government would be excluded from communication because of their possible relations with Italy.Prime Minister told Oriental Secretary that proposal was to be considered in Council of Ministers on 15th April. Sheikh Hafez Wahba subsequently told His Majesty's Ambassador that he had only suggested conversations on subject with H.M.G.(Repeated Bagdad,Jerusalem & Jedda).

Last Paper.

E.1639

References.

Tel. to Cairo No. 894 of Nov. 24. 1939 (E7777/6/31)

(Print.)

(How disposed of.)

Copies to Mr. Cornell & L. of Harbour Room 411.

14) WO. Mr. Boothby Apr. 18.

Dft.) C.O. from Mr. Baggallay Apr. 19

Copy Maj. Mallaby, W.O. on E 1901 Mayll

(Action completed.)

(Index.)

Next Paper.

E 1730

(Minutes.)

I think it is about time that the neighbouring Arab States ceased to nag at us about Palestine. Such "communications" only serve to keep Palestine before the public.

I imagine the time for a general amnesty will only come when the Palestine auths. are satisfied that most of the worst gangsters have been brought to trial — a process which has been accelerated in recent months by the greater readiness of Arabs to give evidence against them. The question of replacing the military by civil courts is already under consideration.

No action seems necessary at present.

Copy C.O.
W.O.

A V Eyre 17/4

A.V. Cornelius Price
17th April

See also E 1527
Dft to W. Dofnie

7/4/40

see now E1974

Registry 6844 50
No: E ~~1527~~/~~1527~~/31

L.B.

Draft.

Sir B.Newton
Bagdad.

Telegram.

No.....

Cypher

L.D.

Repeat Jedda
Cairo

C.O. for concurrence.

Copy eventually C.O.

4C. ~~150~~
2C in blue
(in draft form)

April 1940

Despatched *M.*

Jedda telegram No. 62 [of April 8:

Palestinian refugees in Iraq] and Cairo tel. No. 222 [of April 14:]

I should welcome your observations, ~~if these are not already on their way.~~ Can you in particular give any estimate of the numbers of Palestinian refugees still in Iraq and of the number unable to return even under cover of assurances already given by the Palestine Government (see e.g. Palestine telegram No. 173 Secret of February 27th to you) ~~paragraph (4) of which refers to lists (a) and (b) which may by now have reached you)~~?

2. His Majesty's Government have no intention of subsidising ~~political~~ Palestinian exiles, whether guilty of crimes or not, but so far as possible they are anxious to reduce the number of these exiles and with it the temptation to the surrounding States to make capital out of their supposed troubles.

Addressed Bagdad No....

Repeated Jedda No.....and Cairo No.....

NOTHING TO BE WRITTEN IN THIS MARGIN.

M.L. Copies to Cairo
151 of N. Room 116 E23

LIMITED DISTRIBUTION.

Decypher. Sir M. Lampson (Cairo).
14th April, 1940.

D. 2.40 p.m., 14th April, 1940.

R. 4.20 p.m., 14th April, 1940.

No. 222.

::::::::::::::

Jedda telegram No. 62 to Foreign Office.

According to Prime Minister Hafez Wahba on behalf of both Saudi-Arabian and Iraqi Governments had asked Egyptian Government to associate itself with the other two Governments in a friendly communication to us regarding the Palestine question.

2. Communication would express appreciation of the three Governments of our recent communications (see e.g. your telegram No. 854 to me) made to them regarding the return of exiles, and would suggest as a measure of appeasement that a general amnesty should be granted, subject possibly to a few stated exceptions, and that any persons already in Palestine apprehended for old offences should be tried by Civil Court instead of Military Courts it being understood that all new crimes would be tried by Military Courts. The three Governments would strongly deprecate criminality and therefore suggest the last provision in order to discourage crimes in future.

3. The three Governments would propose to exclude Yemen from communication because they are not sure of Yemen's discretion and its possible relations with Italy.

4. Prime Minister told Oriental Secretary that the question ...

question was going to be considered in Council of Ministers on April 15th as he wished to give an answer to Hafiz Wahba before the latter's departure on April 17th. Prime Minister thought that the proposed communication was a good idea. It would be framed to show friendly attitude of the Arabs towards Great Britain and with the idea of helping us in the present war situation.

5. Hafez Wahba subsequently called on me and explained that the Prime Minister had misunderstood him. He had suggested only conversations with us on the above lines with a view to provoking initiative from us on above [? suggestion]. Hafez Wahba told me he would put the Prime Minister right and that we need make no communication to him meanwhile.

Repeated to Bagdad, Jerusalem, Jedda.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. E 1684/50 ~~E 1527/1527~~/31

L.B.

Draft.

Mr. Downie
Colonial Office

[From Mr. Baggallay]

25
189

~~OCT FILE~~ 153

April 19 1940

Dear Downie,

We have already sent over to the C.O. a copy of Jedda tel. No. 62 of April 8th, about supposed destitute Palestinians in Iraq (see our letter E1527/1527/31 of April 9; I now enclose a telegram from Cairo (No. 222 of April 14) dealing with the same subject.

2. I presume that we want to discourage ~~this idea~~ of General Nuri's (idea of a collection for the destitute) if we can, and as a first step we might telegraph to Bagdad on the lines of the attached draft. Will you let me know if you concur?

B. 17/4/40

3. As regards the possibility of our doing something further in the way of ~~them~~ re-admitting Palestinian exiles, if the Palestinian

/get

~~who are spontaneous~~

Yet - we are now able to
furnish the lists (a) and (b) referred to
in para. (4) of Political Rel No.
173 of Feb. 27: to Baghdad, this
might mean that in practice
we are in a position to go
some way towards meeting any
demands on the lines of para 2
of the Cairo telegram.

Yours ever,
[illegible]

17/4/40

NOTHING TO BE WRITTEN IN THIS MARGIN.

FOREIGN OFFICE, S.W.1.

(E 1684/50/31). 19th April, 1940.

Dear Downie,

We have already sent over to the Colonial Office a copy of Jedda telegram No. 62 of the 8th April, about supposed destitute Palestinians in Iraq, (see our letter E 1527/1527/31 of the 9th April). I now enclose a telegram from Cairo (No. 222 of the 14th April) dealing with the same subject.

2. I presume that we want to discourage General Nuri's idea of a collection for the destitutes if we can, and as a first step we might telegraph to Bagdad on the lines of the attached draft. Will you let me know if you concur?

3. As regards the possibility of our doing something further in the way of re-admitting Palestinian exiles, if the Palestine Government were now able to furnish the

/ lists

H. F. Downie, Esq., C.M.G., O.B.E.
Colonial Office.

lists (a) and (b) referred to in paragraph (4) of Palestine telegram No. 173 of the 27th February, to England, this might mean that in practice we were in a position to go some way towards meeting any demands on the lines of paragraph 2 of the Cairo telegram.

Yours ever,

(Sd.) LACY BRIGGALLAY.

No. 157.
(38/49/40).

British Embassy,
Bagdad.
8th April, 1940.

My Lord,

With reference to my despatch No. 134 of the 30th March, I have the honour to inform you that although the reception that has been given here to the recently published Palestine Land Transfers Regulations has been ungracious or highly critical on the part of the extremists and negative elsewhere the general effect has probably been good and has served to take some of the wind out of the sails of the mischief-makers.

2. It is to be feared however that from Iraq at least little if any constructive assistance in finding a solution for Palestinian problems can ever be looked for and the most that we can hope to achieve is to counter or to reduce destructive anti-British criticism. In this latter respect the publication of the Land Transfers Regulations has been useful.

3. I am sending copies of this despatch to His Majesty's Representatives at Cairo and Jedda and to His Majesty's High Commissioner for Palestine and Transjordan at Jerusalem.

I have the honour to be with the highest respect,
My Lord,
Your Lordship's most obedient,
humble Servant,

Basil Newton

The Right Honourable
The Viscount Halifax,
K.G., G.C.S.I., G.C.I.E.,
etc., etc., etc.

1940

E

PALESTINE & TRANSJORDAN. ~~158~~

E 1742
20 APR 1940

Registry Number E 1742/50/31.

TELEGRAM FROM
Sir M. Lampson, Cairo.

No. Decypher 142.

Dated 18th Apr. 1940.

Received in Registry 20th Apr. 1940.

E: Palestine and Transjordan.

Proposal for conversations between His Majesty's Government and Arab Governments regarding Palestine.

Refers to Cairo telegram No. 222 of 14th April. (E 1684/50/31). Sheikh Hafez Wahba explained to Ali Maher Pasha on 16th April that his idea was that Arab Governments should enter into friendly conversations with His Majesty's Government with view to provoking from them measures of conciliation indicated in telegram under reference. Sheikh Hafez Wahba told oriental Secretary that Ali Maher Pasha had agreed and that it was now proposed that conversations should take place in London, Cairo, Bagdad and Jedda. Has heard nothing further from Egyptian Prime Minister. Repeated Bagdad No. 15, Jerusalem No. 22 and Jedda No. 10.

Last Paper.
E 1730

References.

(Print.)

(How disposed of.)
14. C.O. (Mr Luke.)
14) W.O.
April 20th
Apr 29.

(Action completed.) Apr 25

(Index.)

Next Paper.
E. 1753

(Minutes.)

(Copy sent to Mr. Luke, C.O.)

We can await this joint démarche, though we may be able to anticipate it by publishing lists of those who will and will not be permitted to return to Palestine (E. 1684)

Copy also W.O.

20/4

A. V. Crowley Rice.
20th April

26/4/40

E

1c

LIMITED DISTRIBUTION.

Decypher. Sir M. Lampson, (Cairo).
18th April, 1940.

D. 6.57 p.m. 18th April, 1940.

R. 7.20 p.m. 18th April, 1940.

No. 242.

dddddddd

Hafez Wahba saw Ali Maher on 16th April and explained to him that his idea had been that the three Governments should enter into friendly conversations with His Majesty's Government with a view to provoking from them measures of conciliation on lines indicated in 2nd paragraph my telegram No. 222.

2. Hafez Wahba told oriental secretary that Ali Maher had agreed and that the idea now was that conversations should be entered into in London, Cairo, Bagdad and Jedda.

3. So far the Prime Minister has said nothing further to me: and I shall of course leave all initiative to him.

Repeated to Bagdad No. 15, Jerusalem No. 22, Jedda No. 10.

E 160

1940

PALESTINE & TRANSJORDAN.

Registry Number } E 1753/50/31.

FROM Saudi Arabian Minister (conversation).

Dated 19th Apr. 1940.

Received in Registry } 20th Apr. 1940

E: Palestine and Transjordan

Palestinian exiles.

Records conversation with Mr. Baggallay. Sheikh Hafiz Wahba said that presence of Palestinian exiles in Iraq and Saudi Arabia was detrimental to British cause in those countries. He considered that in matter of prosecution of Palestinian Arabs now that rebellion had ceased His Majesty's Government were making serious error of policy. He suggested that (a) military courts should now be replaced by civil courts and (b) Palestine Administration should be given names of exiles now in Iraq, and asked to say which of those were wanted for serious crimes and which could be allowed to return.

Last Paper.

E.1742

References.

(Print.)

(How disposed of.)

Mr.) Mr Downie. C.O.
Mr Baggallay.
April 27.

(Action completed.) 14/5

(Index.)

Next Paper.

E 1829

(Minutes.)

We have already written to Mr. Downie (E 1684) asking whether any further steps can be taken in the matter of replacing military courts by civil courts and giving a list of those exiles now in Iraq who can be permitted to return to Palestine. I don't think therefore that we need do more than send a copy of this conversation with Sheikh Hafiz to the C.O.

The B.B.C. have made two broadcasts on the question of clemency in Palestine, which may do something to reassure people like Ibn Saud as to our good intentions, though they do not sound very convincing.

We have received other reports which show that the presence of these Palestinian refugees in Iraq is proving very embarrassing. The difficulty is that those who might return to Palestine would be the inoffensive ones, while the worst offenders would naturally remain in Iraq in order to avoid being brought to trial for their past offences.

One point which is apparently left out of account

by/

by such people as Sheikh Hafiz is the effect on the inhabitants of Palestine of a general amnesty. We have heard of many cases where the Arabs who have been the victims of his terrorism were delighted when some notorious gangster was executed for his crimes. If all and sundry, including well known criminals, are to be allowed to return with impunity, it will not encourage innocent Arab villagers who have suffered from the oppression of these gangsters to support the Government in any renewal of the disturbances there may be.

H W Bowen

22nd April 1940

I agree. The present policy should not be weakened. The refugees may be a focus for anti-British propaganda, but the best way to counteract this is surely to make known, by means of our own propaganda machine, the true nature of the refugees and of the crimes for which convictions take place. This is being done and, if reiterated, it may have the desired effect in time.

Many of the refugees have fled because they know they are guilty of crimes. It would be unjust and inexpedient to announce that they are free to return to Palestine merely because evidence against

against them has not yet come to hand. The friends and relatives of those who have been executed, furious at the return unpunished of refugees whom they knew to be guilty, might denounce such refugees after their return. The Palestine Govt. would then be in a quandary, having either to cancel the amnesty or to leave the guilty unpunished. Either course would be likely to produce as much anti-British propaganda as the present situation produces.

A. Cornelius Price
23rd April.

~~H W Bowen~~

I think the Palestine Govt. have a pretty good idea of who can be allowed back with reasonable safety, and as they have already undertaken to do something very like what the Arab States now suggest we should do, I hope that/

Minutes.

that something satisfactory will be evolved.

In the meanwhile, I think we had better write to Mr. Downie on the lines of the attached draft.

[Draft despatched]

See also E 1829

L. Baggallay

26th April 1940

Mr. Butler
Mr. Broughton

Sheik Hafiz Wahba has also spoken to me on these lines.

It is to be hoped that the Palestine govt. may find it possible to do something. This question is causing tremendous repercussions in various quarters.

R.A.B. 1/5

W. Sigismund 29/4

I have also heard of it from the Egyptian Amb. RAB 29/4

NOTHING TO BE WRITTEN IN THIS MARGIN.

~~102~~

PALESTINIAN EXILES.

The Saudi Arabian Minister came to see me this morning on his return from a long visit to Saudi Arabia, Iraq and Egypt, and spoke to me with much earnestness about the situation of those Palestinians who were now living outside Palestine - mainly in Iraq - as the result of the recent trouble.

2. Sheikh Hafiz Wahba said that there were about 400 of these refugees in Iraq and some 17 in Saudi Arabia, and their mere presence was most detrimental to the British cause in those countries. They constituted a focus for anti-British propaganda and sentiment. They ~~were~~ did more - they were a focus for ill-feeling against those Arabs who, like Ibn Saud, remained friendly to Great Britain. He himself, for instance, had been insulted by an Iraqi schoolmaster in a hotel in Bagdad and told that Ibn Saud was an Englishman wearing Arab dress.

3. The question of these exiles was closely bound up with the trials which were still taking place in Palestine. The Arabs found it difficult to understand why, now that the rebellion had ceased, the British authorities should be so vindictive, and should in particular be prosecuting and convicting members of the Arab race for no worse a crime than carrying arms. It might have been necessary to mete out serious punishment for this offence while the rebellion lasted, but surely not now. The prosecutions were having the effect of constantly swelling the ranks of the exiles in Iraq. Some fifteen for instance, had arrived there from Palestine the week after he himself had left. It seemed to him, speaking with all seriousness as a friend of Great Britain, that in the matter of these prosecutions we were making a

serious/

serious error of policy, and one which was undoing all the good which had been derived from the land transfers regulations and the subsequent debate in Parliament.

4. I told Sheikh Hafiz Wahba in reply that there was nothing vindictive about the British attitude. It was not true that Arabs were now being executed for minor crimes: even though the nominal charge might in some cases be carrying arms, they were not in fact sentenced to death unless some far more serious charge had also to be laid at their door. Nor was it merely a question of convicting men who had killed others in hot blood or fair fight. Many were cases of cold-blooded and premeditated murder - and very often the murder of other Arabs. Nor, again, had anyone (as he had said some Arabs thought) been inveigled back to Palestine. All the Palestine Administration had ever said was that all were free to return who were not actually guilty of crime. No one could, presumably, have committed a crime without knowing it, and this being so, there was no excuse for anyone to say that he had been misled. The fact that prosecutions were taking place was due to the fact that evidence was often now forth-coming from persons, including Arab villagers, who had previously been terrorised.

5. After considerable discussion, Sheikh Hafiz Wahba said that he had two practical suggestions to make:

(a) that military courts should now be replaced by the civil courts,

(b) that the Palestine Administration should be given the names of the exiles now in Iraq and asked to say which of those were wanted for serious crimes and which could be allowed to return.

6. /

6. As regards (a), no Arab could ever be convinced that a military court was as fair as a civil court. It made no difference whether the court were composed of British officers, Turkish officers, or any other nation's officers. In his own case this conviction was reinforced by what he remembered of the British military courts in Egypt after the last war. In the years 1921, 1922 and 1923 various men had been sentenced to death by these courts and subsequently executed at a time when everyone in Egypt knew who were the real authors of their supposed crimes, and had been subsequently discovered - as a result of the investigations following on Sir Lee Stack's murder in 1925 - to have been obviously innocent. Moreover, the Arabs had been impressed by what seemed to them the much lighter sentences passed on Jews for the same offences. I told the Minister that, so far as the courts in Palestine were concerned, there could be no doubt about the fairness and impartiality of the military tribunals. I was sure that if actual cases were investigated, the sentences passed on Jews and Arabs would be found to be the same for all offences where the circumstances were really and not merely superficially the same. Moreover, no man was convicted unless there were evidence to support the conviction. It made no difference from this point of view whether the court were military or civil. But nothing I could say on this subject would convince him. I said, however, that I would report what he had said in the proper quarter and see what prospects there were of restoring civil jurisdiction.

7. As regards (b) too I said I would enquire whether

anything/

anything could be done.

8. Sheikh Hafiz Wahba also said that the Arab States would only be too glad to assist in the final restoration of peace and order in Palestine, by appealing to the population, for instance, to refrain from those acts of sabotage and banditry which were still continuing spasmodically. They could probably do so with success if, but only if, His Majesty's Government could make some concession in the matter of prosecutions. I did not encourage him to pursue this line of thought.

J. Baggallay

April 19th, 1940.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry
No. E 1753/50/31

L.B.

Mr. Downie
Colonial Office

[From Mr. Baggallay]

~~186~~

April 27 1940

My dear Downie,

You will already have received a copy of Cairo tel. No. 257 of April 24th, indicating that the Egyptian Ambassador will shortly approach us on the subject of Palestinian refugees now living in Iraq and elsewhere, and of the prosecutions which are still taking place in Palestine.

2. In this connexion I enclose a record of a conversation which I had with the Saudi Arabian Minister soon after his return from Riyadh.

3. I expect that the Egyptian representations will be along the same lines, but until the Egyptian Ambassador has been to see us we need not consider the question in detail.

4. In the meanwhile, I notice that my letter E 1708/31/31 of April 19th did not reach you before the two statements about our amnesty policy were put out on the Arabic broadcast of

April/

April 19th and April 20th. Cornwallis spoke to me again this morning on the subject of the convictions for carrying arms. He suggested that even if it were undesirable to say that a man sentenced to death for carrying arms had really been sentenced for murder, it might at least be possible to say that the man convicted for the smaller offence was also known to have committed other, graver offences. He thought it ~~most~~ desirable that the utmost publicity should be given to the additional reasons whenever sentences for such offences as carrying arms were imposed. ~~The~~ Arab editors and others might often know the real reasons for the sentences, but, if they were out to find any excuse for ~~opposing~~ vilifying the administration in Palestine, they would naturally be only too glad to take things at their face value if this helped them to achieve their object.

Yours ever,
L.B.
26/4/40

1940

E ~~156~~

PALESTINE & TRANSJORDAN

E 1730

19 APR 1940

Registry Number } E 1730/50/31.

FROM Sir Basil Newton
Bagdad.

No. 157 (38/49/40).

Dated 8th Apr;1940.

Received in Registry } 19th Apr;1940.

E: Palestine and Transjordan.

Effect on Iraqi public opinion of Palestine Land Regulations.

Refers to Bagdad despatch No.134 of 30th March (E 1552/367/31).Palestine land regulations have had good effect generally,and especially in countering anti-British propaganda.Comments on lack of constructive assistance in Palestine problem forthcoming from Iraq.

(Copies sent to Cairo, Jedda and Jerusalem).

Last Paper.

E1684

References.

(Print.)

(How disposed of.)

F.O. Apr. 29

(Minutes.)

Certainly no assistance can be expected from the Iraqi Govt. as long as they are under the handicap of affording a refuge for the Mufti and some 400 Palestinian refugees.

Copy C.O.

24/4

Do Muftis never die?!

H. V. Conolly Price
24th April

I fear that the trouble goes much deeper than the presence of the Mufti and a lot of dissatisfied Palestinians in Iraq. Our record in Palestine has been so unsatisfactory from the point of view of Arab nationalism for so many years that it would take a lot more/

(Action completed.) AR 2/5

(Index.) 9.3/

Next Paper.

E1742

more than has been done hitherto to eradicate the suspicion with which we are regarded.

Moreover, as we intend even when Palestine becomes an independent State to retain our own strategic interests, as we are doing in Iraq, we will inevitably always be the apparent obstacle to full-blooded Arab independence. The only thing which induces them to put up with this is in any case that if it was not us it might be someone even worse.

26th April 1940

~~107~~

(E 1755/50/31). OUT FILE FOREIGN OFFICE, S.W.1.

27th April, 1940.

My dear Downie,

You will already have received a copy of Cairo telegram No. 257 of the 24th April, indicating that the Egyptian Ambassador will shortly approach us on the subject of Palestinian refugees now living in Iraq and elsewhere, and of the prosecutions which are still taking place in Palestine.

2. In this connexion I enclose a record of a conversation which I had with the Saudi Arabian Minister soon after his return from Riyadh.

3. I expect that the Egyptian representations will be along the same lines, but until the Egyptian Ambassador has been to see us we need not consider the question in detail.

4. In the meanwhile, I notice that my letter E 1708/31/31 of the 19th April did not reach you before the two statements about our amnesty policy were put out

/on

H. F. Downie, Esq., C.M.G., O.B.E.
Colonial Office.

on the Arabic broadcast of the 19th April and the 20th April. Cornwallis spoke to me again this morning on the subject of the convictions for carrying arms. He suggested that even if it were undesirable to say that a man sentenced to death for carrying arms had really been sentenced for murder, it might at least be possible to say that the man convicted for the smaller offence was also known to have committed other, greater offences. He thought it desirable that the utmost publicity should be given to the additional reasons whenever sentences for such offences as carrying arms were imposed. Arab editors and others might often know the real reasons for the sentences, but, if they were out to find any excuse for vilifying the administration in Palestine, they would naturally be only too glad to take things at their face value if this helped them to achieve their object.

Yours ever,

(Sd.) [illegible]

1940

E ~~189~~

PALESTINE
TRANSJORDAN

E 1829
25 APR 1940

Registry Number } E 1829/50/31

TELEGRAM FROM
Sir Miles Lampson
(Cairo).
No. 257
Decypher.
Dated 24th April, 1940.
Received in Registry } 25th April, 1940.

E: Palestine and Transjordan.

Egyptian representations regarding Palestinian refugees.

Refers to Cairo telegram No. 242 of 18th April (E 1742/50/31). Has been informed by Egyptian Prime Minister of instructions telegraphed to Egyptian Ambassador in London to make representations to Foreign Office asking that refugees should be allowed to return without any special undertaking, cases of those definitely banned, including Mufti, to be considered; persons arrested for old offences should be tried by civil courts and new crimes by military courts. Prime Minister said that this action was jointly on behalf of Arab States, and hoped that it would receive His Majesty's Government's support.

Last Paper.
E 1753

References.

(Minutes.)

(Copy sent to Mr. Luke, C.O.).

When the Egyptian Ambassador's E 1952 representations have been received, we must, I suppose, take up the matter again with the C.O. ?

Suggestion (a) is not likely to commend itself to the Palestine auths; (b) seems more reasonable.

Copy also to W.O.

[illegible]
25/4

I agree. Those who are not specifically banned are already free to return. Only guilty consciences need keep them away. But it would be undesirable to say that if they return, nothing will happen to

(Print.)

(How disposed of.)
Mr. Luke. C.O.
April 26.
Copy Maj. Mallaby. W.O.
on E.1901. May 11.

(Action completed.) [illegible] (Index.)

Next Paper.
E.1901.

10.SS 430 F.O.L.

to them, even if evidence against them is forthcoming later.

H. V. Cornelius Rice.
25th April.

W. Bower HZB/115

The representations to be made by Ibn Saud have already been received (see E 1753) through Sheikh Hafiz Wahba, who recently returned to London. The precise nature of the recommendations of the Arab States may be in doubt, as what is suggested here does not exactly correspond with what Sheikh Hafiz said. This may be cleared up if we get something definite from the Egyptian Ambassador.

But the spirit of the recommendations is clear enough. They feel that, rightly or wrongly, we are letting the question of the Palestinian refugees and of the prosecutions now going on in Palestine assume a quite undeserved importance, and think that in our own interests we should do something to bring them to a stop.

See E 1753.

26th April 1940

27/4/40

~~170~~

E

LIMITED DISTRIBUTION

Decypher. Sir M. Lampson (Cairo)
24th April, 1940.

D. 10.48 p.m. 24th April, 1940.

R. 11.20 p.m. 24th April, 1940.

No. 257

& & & & & &

My telegram No. 242.

Prime Minister spoke to me this morning about Palestinian refugees. He had telegraphed Egyptian Ambassador last night to make representations to Your Lordship.

2. I gather that his instructions to Nashat were (a) to press that these people should be allowed to return without any special undertaking on their part, only those definitely banned to be excepted on the understanding that their cases (including that of the Mufti) would be considered later; and (b) that any persons arrested for old offences should be tried by civil courts: any new crimes to be tried by military courts.

3. Prime Minister said that this action was jointly on the part of the Arab States. He referred to, he believed, the helpful rôle he had himself played both at the Palestine Conference and later in getting the White Paper accepted by the Arabs and expressed the hope that this further move to eliminate friction over Palestine would receive Your Lordship's support.

1940

E ~~171~~

PALESTINE & TRANSJORDAN

E 1901

29 APR 1940

Registry Number E 1901/50/31.

TELEGRAM FROM Sir B. Newton, Bagdad.

Decypher No. 134.

Dated 29th Apr. 1940.

Received in Registry 29th Apr. 1940.

E: Palestine and Transjordan.

Arab Government's representations to His Majesty's Government regarding Palestine.

Refers to Cairo telegram No. 242 of 18th April (E 1742/50/31). Was informed for first time on 27th April by General Nuri of proposals for conversations between His Majesty's Government and Arab Governments. General Nuri added that Egyptian Minister in London had been instructed to make representations on behalf of Saudi Arabia and Iraq as well as Egypt without Iraqi Government's concurrence. Ibn Saud was apparently not prepared for this step.

Repeated to Jerusalem No. 21 and Jedda No. 13.

Last Paper.

E. 829.

References.

Cairo tel. No. 222. of April 14. (E. 1684/50/31.)

(Print.)

(How disposed of.)

CO.
WO.
~~App~~ May 1st.
by Maj. Hallaby to CO.
with E. 1829.
E. 1684
E. 1527
E. 1974
with Mr Baggallay's comps.
May 11th.

Action completed.

(Index.)

Next Paper.

E 1944

(Minutes.)

I thought the Egyptian Prime Minister was taking a lot upon himself when he said that he was acting on behalf of all these Govts. He will now probably receive protests from both Iraq and Saudi Arabia.

Copy PO. WO.

H. Espy 29/4.

A. V. Cowley Price. 29th April.

L.B. 29.4.40

E

~~172~~

LIMITED DISTRIBUTION.

Decypher. Sir B. Newton, (Bagdad). 29th April, 1940.

D. 10.00 a.m. 29th April, 1940.

R. 11.55 a.m. 29th April, 1940.

No. 134.

ggggggggggg

Cairo telegram No. 242.

Minister for Foreign Affairs told me for first time on April 27th of plan [? developed] during his visit to Ibn Saud that Egypt, Iraq and Saudi Arabia should enter into friendly conversations with His Majesty's Government with a view to [? scrutinizing] means of appeasement in Palestine. He no doubt had in mind those mentioned in paragraph 2 of Cairo telegram No. 222 and he explained further that when Hafez Wahba sounded the Prime Minister of Egypt latter had promised that Egyptian Minister in London should act on behalf of [? all] three Governments in this matter, and that without waiting concurrence of Iraqi Government he had now sent instructions to Egyptian Ambassador to act accordingly.

General Nuri ~~Ibn Saud~~ professed to be disconcerted by this development and said that so far he had only authorised Iraqi Chargé d'Affaires to keep in touch with Egyptian Ambassador.

Repeated to Jerusalem telegram No. 21, Jedda telegram No. 13.

E ~~173~~

1940

PALESTINE & TRANSJORDAN

E 1944
2 MAY 1940

Registry Number } E 1944/50/31

FROM Saudi Minister (Conversation).

No.

Dated 2nd May, 1940.

Received in Registry } 2nd May, 1940.

E: Palestine and Transjordan.

Saudi views regarding His Majesty's Government's Palestine policy.

Record of Saudi Minister's conversation with Mr. Baggallay during which he discussed generally the question of Palestine.

He suggested that His Majesty's Government should make some "gesture" which would have good effect on Arab public opinion. He made a personal suggestion that some Palestinians should be given responsible positions in Palestine Government Departments, as visualised in White Paper.

Mr. Baggallay undertook to pass on these representations to competant department.

Last Paper.

E(901

References.

(Minutes.)

We have made any number of ~~suggestions~~ "gestures", such as land regulations, return of exiles, review of sentences already imposed on gangsters, and they have none of them had as much effect on Arab opinion as we hoped. The chief difficulty about appointing Palestinians as heads of departments is that there is at present in Palestine no Arab fit for such posts.

I think that Sheikh Hafiz Wahba's suggestion should be considered with the Egyptian Ambassador's representations (E 1952) and that we need do no more than copy this record of conversation with Sheikh Hafiz to Mr. Downie, Colonial Office.

4th May, 1940.

[redacted]
4th May

See E 1974/50/31

(Print.)

(How disposed of.)

Copy C.O. on E 1974 May 7

Copy sent to Registrar June 8

(Action completed.)

(Index.)

Next Paper.

E1952

20009 9/39 F.O.P.

NOTHING TO BE WRITTEN IN THIS MARGIN.

MEMORANDUM

X/C 171

E 1944

2 MAY 1940

The Arab States and Palestine.

The Saudi Arabian Minister called here to-day in order to discuss further the question of Palestine.

2. He did not on this occasion enter into any details or cover the ground as regards the proposals which he had previously made on the subject of clemency. He contented himself with expressing the hope that H.M. Government would do their best to meet the wishes of the Arab States and emphasised that it was most desirable that they should appear to do so spontaneously. It was for this reason that the Arab Governments had decided not to send in a joint Note or anything of that kind, but to confine themselves to separate oral representations.

3. Sheikh Hafiz Wahba did, however, say that if H.M. Government could make some "gesture", this would have an excellent effect upon Arab opinion generally and he then went on quite spontaneously to say that the best gesture would be/

be to appoint some Palestinians to the charge of non-contentious Departments (like Agriculture) in Palestine as soon as possible, as contemplated in the White Paper.

4. The Minister was assured that his representations would be reported in the proper quarter.

L. Baggallay

1st May, 1940.

NOTHING TO BE WRITTEN IN THIS MARGIN.

1940

E ~~175~~

PALESTINE & TRANSJORDAN.

E 1952

3 MAY 1940

47

Registry Number } E 1952/50/31.

FROM Egyptian Ambassador to Mr. Butler

No.

Dated 2nd May, 1940.

Received in Registry } 3rd May, 1940.

E: Palestine and Transjordan.

Representations on behalf of Egyptian, Iraqi and Saudi Governments regarding Palestinian exiles.

Has been instructed by Egyptian Prime Minister to suggest that His Majesty's Government should declare general amnesty, allowing return of exiled Palestinians who could be tried by civil courts for past crimes, future crimes to be judged by military courts. Enquires Mr. Butler's opinion before seeking interview with Secretary of State.

Is telegraphing Cairo to ascertain full information about exiles concerned.

Last Paper.

E1944

References.

(Print.)

(How disposed of.)

by CO. on E1974 May 7

(Minutes.)

A) Egyptian Ambassador's further letter of May 7

Palestine is once again being used by their opponents as a stick with which to beat the Egyptian and Iraqi Governments. I suppose we must do what we can to help them.

The Egyptian Ambassador has gone a bit further than the Prime Minister in that he does not suggest that certain refugees, such as the Mufti, should be excluded from the amnesty. I do not suppose that a general amnesty will be favourably received by the authorities in Palestine, but the substitution of civil courts for military courts has already been considered by them. I suggest that the first step is to have a discussion with the Colonial Office to see how far they think we could meet the Egyptian views.

Nashat Pasha says that he is interpreting the ~~and~~ views of the Iraqi and Saudi Arabian Governments, but we have heard from Bagdad that General Nuri has been disconcerted by the action the Egyptian Prime Minister has taken ~~at~~ in his ~~and~~. No doubt each Government wishes to get for themselves all the credit for any concession we may make.

4th May, 1940.

A. V. Cornelly Rice. 4th May.

B) Egyptian Amb. to Mr. Butler May 13

(Action completed.)

(Index.)

See E 1974/50/31

A See within interim reply to Egyptian Ambassador.

Next Paper.

E.1974

20009 9/39 F.O.P.

Colonial Office comm. of 16th June.
B. See initials on paper

ROYAL EGYPTIAN EMBASSY
LONDON

75, South Audley Street, W.1.

Mr Boggallay 176
Maher secured this note
with your
Dispatch

2nd May, 1940.

Ref:

Personal and Private

Dear Mr. Butler,

Referring to the interview I had with you on the 25th of April and to the conversation we had on the telephone this morning, I beg to inform you that His Excellency Aly Maher Pasha has been approached by the Iraki and Saudi Arabian Governments to present in common to the British Government their sincere thanks for all that has been achieved up till now as regards the exiled and convicted Palestinian subjects. In asking me to communicate this to the British Government, Maher Pasha desires me to put forward the common request that a prompt and decisive step be taken in this matter which would be greatly welcomed and which would certainly bring about the establishment of peace in Palestine.

In his view, this decisive step should take the form of a general amnesty permitting the return of the exiled Palestinians who could be brought before the civil courts for any crimes already committed by them. As to the crimes which may be committed in the future, they could be judged by the Military Courts.

As I told you, I have been asked by Maher Pasha to see Lord Halifax and communicate to him what I have just mentioned in this letter. I intend to ask to see Lord Halifax shortly and I would be very glad to hear from you personally before the proposed meeting.

In making this intervention, I am also interpreting the views of the Iraki and Saudi Arabian Governments, who express the desire to join with us.

The dispatch I received from Maher Pasha did not contain the number of the exiled Palestinians. The number I quoted at our meeting on the 25th of April was gathered by me from a talk I had with my Saudi Arabian colleague on the subject. The dispatch also made no distinction as regards all the exiled and I am wiring today to Cairo to secure the necessary information as to the exact number.

Believe me,
Yours sincerely,

H. Nashat

R.A. Butler Esq.,
Foreign Office,
S.W.1.

ROYAL EGYPTIAN EMBASSY
LONDON

75, South Audley Street, W.1.

Ref:

7th May, 1940.

Dear Mr. Butler,

Referring to my letter of the 2nd of this month, I beg to inform you that I have just received a message from His Excellency Aly Maher Pasha to the effect that he estimates the approximate number of Palestinian exiles with the members of their households at one thousand persons.

I hope to hear from you shortly on this matter.

Believe me,

Yours sincerely,

H. Nashat

R.A. Butler Esq.,

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. E.1974/50/31

L.B.

Draft.

The Egyptian Ambassador.

(from Mr. Butler)

Mr. Butler

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OUT FILE

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13th May, 1940.

Dear Ambassador.

My dear Ambassador,

Many thanks for your letter of May 7th, informing me of the estimated number of Palestinian exiles now abroad.

I will write again as soon as possible, but you will realise that the proposals which you have made to me are of a somewhat far-reaching character and will need very careful consideration.

Yrs sincerely.

Sd. R.A. Butler.

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No. E 1974/50/31.

FOREIGN OFFICE, S.W.1.
13th May, 1940.

Dear Ambassador.

Many thanks for your further letter of the 7th May, informing me of the estimated number of Palestinian exiles now abroad.

I will write again as soon as possible, but you will realise that the proposals which you have made to me are of a somewhat far-reaching character and will need very careful consideration.

Yrs sincerely.
Sd. R. A. Butler

His Excellency
Hassan Nashat Pasha.

13

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Extract from letter from Colonel S.F. Newcombe to Lord Lloyd, Cairo: June 16th, 1940.

Clayton warmly supports an amnesty in Palestine and confirms Cornwallis that the amnesty in Iraq in 1921 was very successful, political murders and criminal murders being, on the whole, easily separated.

C.P. 577.

E ~~181~~

PALESTINE & TRANSJORDAN

E 1974

6 MAY 1940

Registry Number } E 1974/50/31

FROM Mr. Downie, Colonial Office to Mr. Baggallay

No. 75896/1/40

Dated 4th April, 1940

Received in Registry } 6th April, 1940

Palestine and Transjordan

Destitute Palestinians in Iraq.

Refers to Mr. Baggallay's letter of 19th April (E 1684/50/31).

Colonial Office agree with Foreign Office proposals for obtaining further information on subject.

Encloses copies of 1) Palestine despatch No. S.F./19/40 of 25th March.
2) telegram to Palestine No. 329 of 1st May.

Last Paper.

E 1952

References.

Baghdad Tel. No. 62 of Apr. 8 (E 1527/50/31)
Cairo Tel. No. 257 of Apr. 24 (E 1829/50/31)

(Print.)

(How disposed of.)

1) Baghdad No. 128 May 7
Tel. Jedda No. 160
Cairo No. 254
Jerusalem No. 350
Co.
1) Mr. Downie, Co.
Mr. Baggallay May 7
Mr. Hallaby on E 1901. May 11th
Mr. Luke Co. without tel. May 11.

(Action completed.)

(Index.) pol 7/10

Next Paper.

E 2014

(Minutes.)

Baghdad Telegram No. 153 of May 10
Co. letter of May 13 enclosing copies of 1) letter of May 8 from Anglo-Turkish Relief Ctee. 2) Palestine telegram No. 342 of May 14
Mr. Luke's letter of May 21 to Mr. Baggallay 75896/1/40
D.M.I.'s letter of May 21 to Mr. Baggallay M.1.2. 1638
copy of letter to Mr. Luke, Co. (D.O. 252/M.1.22)
letter from Mr. Downie, Co. of May 27 75896/2/40 enclosing copy of Palestine telegram No. 462 of May 24 (paper)

OVER

I have now sent off the telegram to which Mr. Downie refers. I have added a par. saying that the Egyptian Ambassador's representations have now been received, although not considered (see within)

I have also sent a copy of the Egyptian Ambassador's approach to us to Mr. Downie, under cover of the letter of which a copy is within.

The position now is that the Arab States have asked us to grant a general amnesty for all Palestinian refugees now outside Palestine. This means, to judge by what Ali Maher says he instructed the Egyptian Ambassador here to say:-

(a) These refugees should be allowed to return without any special undertaking on their part (but presumably - with an undertaking on our part not to prosecute them), only those definitely banned (this might either mean the original members of the Arab Higher Committee against whom Exclusion Orders are in force, or persons whom we state definitely to be wanted for some serious crime) to be excepted on the understanding that their cases, including that of the Mufti, would be considered later;

and

(b) Any persons arrested for old offences (this presumably means persons now in Palestine who may be arrested) to be tried by civil courts; any arrested for new crimes being tried by existing military courts.

As against this, the High Commissioner has prepared a list of some 85 persons who cannot be allowed back at present. This list includes, however, four persons who are only placed upon it because Exclusion Orders are out against them, and they would be allowed to return if they made applications and gave /

gave undertakings in the form already agreed upon. These four persons did not, however, include either the Mufti himself or Jamal Husseini, for whom the Egyptian Ambassador has, I believe, made a special appeal to Mr. Butler. Of these 85 persons, only a few seem to be accused of definite crimes. The remainder are apparently merely politically undesirable. In addition, the High Commissioner has prepared a list of some 28 persons who are now abroad and can return, so far as the Administration are concerned. There are also, it seems, a good many less prominent persons whose names are not on any list, but who are equally free to return. Being free to return, however, does not, the High Commissioner emphasises, mean freedom from arrest if, on their return, it should be discovered that they had been guilty of crimes in the past. In other words, these persons must, as it is put, "search their own consciences".

It will be seen from this that there is a good deal of difference between what the Arab States have asked and what the High Commissioner is so far disposed to give. It is for this reason that I have suggested a meeting with Mr. Macdonald at which the whole question might be discussed.

Mr. Butler
Egyptian Dept

7th May, 1940.

I think a meeting would be useful, if it can be managed. From our point of view it would be a blessing to get these people out of Iraq, where they are now said to be widely scattered & form so many centres of disaffect.

8/5.

Yes a meeting will be useful — and I want to send a more definite reply as soon as possible to the Egyptian Ambassador.

RAB 9/5.

As Mr. Malcolm MacDonald is at present away in Paris - though I daresay he will be

returning /

Action (combined) H.&J. 8) C.O. W.O. May 30

NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes. 54 3

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returning now - the Colonial Office have arranged a meeting with Sir John Shuckburgh for 11.30 on Wednesday morning 15th. In these circumstances, I presume that Mr. Butler will wish to await the outcome of this meeting and discuss the question subsequently with Mr. MacDonald if it seems desirable.

Meanwhile, I suggest that the accompanying draft interim reply should be sent to the Egyptian Ambassador. He clearly cannot expect us to reply on so complicated a question at short notice.

10th May, 1940.

P.

Yes please draft to the Ambassador. RAB 11/5.

(see E 1957/A)

(A) Telegram No. 153 of May 10th from Sir B. Newton, Baghdad.

Copies sent to C.O. & W.O.

13/5

This question was discussed at a meeting at the Colonial Office yesterday, at which Sir John Shuckburgh, Sir Grattin Bushe, Mr. Downie, Mr. Luke, Mr. Bowen, of the Ministry of Information, Major Mackenzie of the War Office, Sir Kinahan Cornwallis and I were present.

Various suggestions for meeting the views of the Arab States were put forward and it was thought that something at least in the direction of substituting civil courts for military courts might be done.

The Colonial Office will prepare a draft telegram to Jerusalem and send it over to us for concurrence in due course.

16th May, 1940.

Minutes.

F). C.O. Memorandum of 15 May.
G) Mr. Downie's letter 75896/1-/40 of May 24 enclosing copy of telegram No. 397 of May 23 to Palestine
H) Cairo tel. No. 386 of May 26
I) Telegram to Palestine No. 390 of May 22
J) Baghdad tel. No. 194 of May 27

H. & J. Copies are being sent to C.O. and W.O.

It would appear from para. 10 of the High Commissioner's telegram at "E" that the man referred to in Sir B. Newton's telegram has either been already executed or reprieved.

30/5

This telegram from the High Commissioner was considered at a meeting at the C.O. on the 28th May, and a draft reply is being circulated.

30/5

29/7

NOTHING TO BE WRITTEN IN THIS MARGIN.

183

Since Co 55

(COLONIAL OFFICE)
(Downing Street, S.W.1)

E 1974
6 MAY 1940

75896/1/40.

6th May, 1940.

Dear Baggallay,

Thank you for your letter of the 19th April (E 1684/50/51) about supposed destitute Palestinians in Iraq.

2. We agree that the first step is to obtain Sir Basil Newton's observations and some estimate of the number of people affected. In this connection I enclose a copy of a despatch which we have recently received from Palestine from which you will see that the Palestine Government have now drawn up a list of persons who must at present be excluded from Palestine, or who, if they should return, would be liable to prosecution for offences during the disturbances. The number of such persons is not very large and there may well be many other Palestinian exiles in Bagdad who could now well return to Palestine. As you point out in your draft telegram, the return of such exiles to Palestine seems to be the best solution of the problem.

25.5.40.

85'

3. We suggest that, in view of the information in the High Commissioner's despatch which I enclose, the first paragraph of the draft might read as follows:-

> "I should welcome your observations. Can you in particular give any estimate of the numbers of Palestinian refugees still in Iraq other than those included in the lists forwarded to you with the High Commissioner's secret despatch of the 15th March?".

We should be grateful if it could be repeated to Jerusalem.

4.

H. L. BAGGALLAY, ESQ.

4. I have spoken to you about the repetition to Jerusalem, of Jedda telegram No. 68 and Cairo telegram No. 257 and you undertook to see to this. No action appears to be required until you receive the threatened representations from the Egyptian Ambassador, but it will be desirable in the meantime to obtain Sir Gerald MacMichael's comments, and I enclose a copy of a telegram which has been sent to him. 1.5.40.

Yours sincerely

H. J. Downie

~~184~~

75896/1/40.

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner of Palestine.

Sent 11.30 p.m. 1st May 1940.

IMMEDIATE

No. 329. Secret.

I understand that Cairo telegram No. 222 regarding destitute Palestinian Arabs in Iraq has been repeated to you. Arrangements are being made for Jedda telegram No. 62 on the same subject and a further telegram from Cairo No. 257 to be repeated to you also. I shall be glad if when copies of these telegrams are available you will telegraph your comments for assistance in replying to Egyptian Ambassador if he makes the representations contemplated in Cairo telegram No. 257.

COPY.

~~185~~

SECRET.

Reference No. SF/19/40.

Palestine,
25th March, 1940.

Sir,

I have the honour to transmit to you, for your information, the papers noted below on the subject of certain Palestinians in Iraq who wish to return to Palestine.

I have, etc.,
(Sgd.) J.S.Macpherson.
Officer Administering the Government

His Majesty's
Principal Secretary of State
for the Colonies.

Date.	Description.
15.3.40.	Secret despatch to His Majesty's Ambassador, Baghdad, with enclosures.

COPY.

SECRET.

REFERENCE NO.SY/19/40.

15th March, 1940.

Sir,

I have the honour to refer to your despatch No. (38/14/40) of the 26th January, 1940, on the subject of certain Palestinians in Iraq who wish to return to Palestine, and to the latter part of paragraph 4 of my telegram No. 87 of the 27th February, 1940, in which I stated that I would send you lists showing (a) those absentees whose return cannot be agreed to at the present time in any circumstances, and (b) a short list of some better known absentees who, in spite of their past record, might now be permitted to return.

2. I delayed replying to your despatch under reference in anticipation of the early completion of the lists mentioned above as I considered that they would constitute the most satisfactory and comprehensive reply to your enquiry. The preparation and final examination of the lists has taken longer than was originally expected but they are now ready and I enclose copies for your information.

osure I. 3. The first enclosure to this despatch, marked "category A.1", gives the names of those persons at present residing outside Palestine whose return to Palestine is not permissible at the present time. I would however invite your special attention to the note at the end of this list which affects Nos.68, 76, 85 and 86 in the list whose names have been included solely because of the exclusion orders which are still in force against them; the exclusion orders against those four persons will be revoked if and when they apply in the terms defined in paragraph 3 of my telegram No. 40 addressed to the Secretary of State for the Colonies and repeated to you.

osure II. This list of persons in category A.1 is supported by an annexure showing specific charges which have been registered by the Police up to the present time against certain of the individuals named under category A.1. It is of course possible that specific charges may be recorded against others in this category at some future date if further evidence comes to hand.

osure III. 4. The third enclosure, which is designated category A.2 gives the names of some of the better known absentees who would, it is hoped, now settle down as reasonable citizens in spite of their having been actively opposed to Government in the past. The persons included in category A.2 may return to Palestine if they wish to do so. No charges are pending against them; they should, however, consult their consciences before returning as no amnesty is given.

5. These lists do not purport to cover all Palestinians who are now residing elsewhere and I realise that there are many such absentees whose names do not appear in any of the lists enclosed in this despatch. The position of persons whose names are not included in the present lists may be considered as having been defined in the announcement which I made in December, 1939, in the terms approved in the Secretary of State's telegram No.933 of the 24th November, 1939. Their consciences will tell them whether or not they can safely return under the terms of that announcement; if any man wishes to know whether prosecution awaits him immediately on

MAJESTY'S AMBASSADOR,

B A G H D A D.

on arrival he can make enquiries similar to those which form the subject of your despatch under reference.

I must however emphasise that any Palestinian who applies for permission to return to Palestine should be told that permission to return, if granted, does not imply an amnesty in any form and does not grant him immunity from legal action in respect of any act of violence or criminal offence which he may have committed or instigated. You will remember that this reservation was explicit in my announcement of December 1939, to which I have already referred, and I am sure that you will appreciate the importance of its being re-iterated whenever an individual applies for facilities to return.

Enclosure IV.

6. I take this opportunity of sending you as the fourth enclosure to this despatch a list showing the present position in regard to each of the persons named in the enclosure to your despatch No.(38/16/40) of the 26th January, 1940.

7. I am sending copies of this despatch, with enclosures I, II and III, to the Secretary of State for the Colonies for his information, and to His Majesty's Ambassador in Cairo, His Majesty's Minister at Jedda, His Majesty's Consul General at Beirut, and the British Resident, Amman, for their information and guidance.

I have, etc.,

(Sgd.) HAROLD MACMICHAEL.

HIGH COMMISSIONER
FOR PALESTINE.

COPY.

SECRET.

~~187~~

CATEGORY A.1.

Those persons at present out of the country whose past history and present activities render them unsuitable for re-establishment in Palestine.

Name.	C.I.D. No.	
1. Haj Amin el Husseini	975/PS.	Excluded under P.G. 891, Supp. No.2 of 1.6.39.
2. Jamal Bey Husseini	957/PS.	Excluded under P.G. 729, Supp. No.9 of 14.10.37.
3. Izzat Darwazeh	1,001/PS.	Excluded under P.G. 729, Supp. No.9 of 14.10.37.
4. Mohammed Izhak Darwish Husseini	1,711/PS.	Excluded under P.G. 735, Supp. No.2, 1937.
5. Sheikh Khalil Mohammed el Essa, alias Abu Ibrahim el Kbeer	6,997/PS.	Serial No.1 of attachment
6. Abdul Qader el Husseini	6,750/PS.	" " 2 " "
7. Aref Abdul Razzak	6,669/PS.	" " 3 " "
8. Sheikh Yousef Said Abu Doreh.	7,006/PS.	" " 4 " "
9. Dr. Daoud Saleh el Husseini	6,958/PS.	" " 5 " "
10. Sheikh Hassan Salameh.	8,615/PS.	" " 6 " "
11. Mohammed Ali Darwazeh.	999/PS.	
12. Amin Bey Tamimi	437/PS.	
13. Mohammed Munif el Husseini.	1,946/PS.	
14. Sheikh Hassan Abu Seoud.	973/PS.	
15. Wasef Said Kamel.	3,793/PS.	
16. Mustafa Taher.	3,597/PS.	
17. Mohammed Ali Taher.	448/PS.	
18. Sheikh Sabri Abdin.	2,454/PS.	
19. Akram Zuaiter.	2,608/PS.	
20. Izzedin es Shawa.	2,672/PS.	
21. Haj Aref el Jaouni.	6,376/PS.	
22. Rasim el Khaldi.	5,079/PS.	
23. Mohammed Yasin.	8,695/PS.	Serial No.7 of attachment
24. Salim Said Abu Leban.	7,675/PS.	
25. Sulieman Ramadan, alias Abu Ali.	7,236/PS.	

26. Mahmoud Salim, alias Abu Ahmed of Qabatiya.	7,004/PS.	Serial No.8 of attachment
27. Khalid el Farkh.	1,738/PS.	
28. Farid Samara of Tulkarm.	15,185/PS.	
29. Said el Nashaf of Tulkarm.	12,530/PS.	
30. Sheikh Moussa el Azrawi.	2,867/PS.	
31. Abdul Halim el Joulani.	9,760/PS.	Serial No.9 of attachment
32. Haj Yusef el Shurafa.	11,471/PS.	
33. Sheikh Abdul Hai Arafeh.	7,207/PS.	
34. Sheikh Naji Abu Zeid, alias Abu Ali, alias Ibn el Azwar.	14,996/PS.	
35. Mamdouh el Soukhon, of Nablus.	5,206/PS.	
36. Abdul Rahman el Saleh, alias Abu Omar, of Silet ed Dahr.	10,292/PS.	
37. Aziz Domet of Haifa (now in Germany)	10,154/PS.	
38. Safwat Younis el Husseini.	17,492/PS.	
39. Ali Muhiddin el Husseini.	17,436/PS.	
40. Saad eddin Abdel Latif Haz.	9,564/PS.	
41. Muin el Madi.	429/PS.	
42. Nazmi Taher.	553/PS.	
43. Tewfiq Rafaat el Husseini.	2,822/PS.	
44. Mohammed Taher el Fityani.	3,773/PS.	
45. Ibrahim Abu Laban.	3,935/PS.	
46. Saleeba Arida.	4,910/PS.	
47. Hanna Issa Khalaf.	5,163/PS.	Serial No.10 of attachment
48. Mohammed Nimer Odeh	6,006/PS.	
49. Mohd. Abu Salim Abu Laban.	7,018/PS.	
50. Akram Jaouni.	7,136/PS.	
51. Mohammed Omar Nubani.	8,507/PS.	
52. Abdul Sattar Abdel Razzek.	8,773/PS.	
53. Said Abdul Qader Razzak.	10,103/PS.	Serial No.11 of attachment
54. Salim Daher.	10,277/PS.	

~~180~~

55. Sheikh Abdul Fattah Sweidiyi	10,104/PS.	
56. Sheikh Abdul Fattah Khalil.	13,322/PS.	
57. Haj Mohd. Muslim Hijazi.	13,700/PS.	Serial No.12 of attachment
59. Saleh Osman Ownallah.	15,921/PS.	
60. Haj Abdullah Yunis.	8,483/PS.	
61. Mohd. Badr eddin Khatib.	3,878/PS.	
+ 62. Yacoub Bey Ghussein.	3,911/PS.	Excluded under P.G. 849, Supp. No.2 of 11.12.38.
63. Mohammed Afifi.	77/PS.	
65. Said Ibrahim Abu Zayed.	6,821/PS.	
66. Ramzi Amer.	2,935/PS.	
67. Dr. Said Moussa Oudeh.	3,768/PS.	
68. Abdullah el Aghwani.	3,334/PS.	
69. Haj Hamed Abu Laban.	7,082/PS.	
70. Emile el Ghoury.	5,025/PS.	
71. Dr. Mahdi el Husseini.		
72. Munir Arafa.	14,651/PS.	
73. Talal Abdin.	9,574/PS.	
74. Salim Abdul Rahman Haj Ibrahim.		
75. Mahmoud Abu Kheir.	17,016/PS.	Serial No.13 of attachment.
+ 76. Auni Bey Abdul Hadi.	185/PS.	Excluded under P.G. 729, Supp. No.2 of 14.10.37.
77. Omar Abdo Ghazzaweh of Nablus.		
78. Dia Abdo Ghazzaweh, of Nablus.	7,035/PS.	
79. Adel Bakr Tamimi of Nablus.	3,840/PS.	Serial No.14 of attachment
80. Ahmed Mohd. Hassan, alias Abu Bakr.	11,294/PS.	
81. Abdel Rahman Hamed.	5,726/PS.	Serial No.15 of attachment
82. Sheikh Mohammed el Gharib.	3,352/PS.	
83. Fauzi Rashid.	7,005/PS.	
84. Mohd. Mahmoud el Saffouri, alias Abu Mahmoud (Sheikh)	16,798/PS.	
+ 85. Abdel Latif Bey Salah.	641/PS.	Excluded under P.G. 729, Supp. No.9 of 14.10.39.

~~180~~

+ 86. Dr. Hussein el Khaldi. 6,216/PS. Excluded under P.G.849, Supp. No.2 of 22.12.38.

+ Included in this list because an exclusion order is in force against him. If he applies in proper terms, exclusion order would be revoked.

This applies to Nos. 62, 76, 85 and 86.

ATTACHMENT TO "A.1." LIST.

List of persons named under Category A.1. against whom specific charges have been registered.

	C.I.D. No.	Name.	Case No.	Police Station.	Date.	Time.	Place.	Charge.
1.	6,997/PS.	Sheikh Khalil Mohd. Eissa.	C121/2993.					A.O. Wanted for murder.
2.	6,750/PS.	Abdul Qader el Hussein,	C138/226/39.	Majdal.	16.7.39.	0850	Beit Affa.	Robbery and abduction.
	"	" "	C121/2891.		7.10.38.		Wadi el Ghawal.	Being in possession of arms.
3.	6,669/PS.	Aref Abdul Razzak Daoud.	C121/3092.	Nablus Rural.	17.8.38.		Majdal Sadek.	A.O. Wanted for murder.
	"	" "	C138/1430/39	"	8.4.38.		Talluza lands	Murder and attempted murder.
	"	" "	C138/3676/39	Jerusalem.	13.10.38.	0630	Ras Samham lands.	Murder.
	"	" "	C138/2435/38	Ramallah.	16.8.38.	1400	Wadi Burqin.	Murder.
	"	" "	C138/3507/38	Tulkarm.	3.9.38.	1000	Ras el Ain lands.	Robbery.
	"	" "	C138/3332/38	Nablus.	25.9.38.	1000	Biddya.	Murder.
4.	7,006/PS.	Sheikh Yousef Abu Doreh.	C138/976/39.	Jenin.	20.3.39.	1900	Umm el Fahm.	Abduction and possession of arms.
	"	" "	C138/1408					Attempted murder and robbery.
5.	6,958/PS.	Dr. Daoud Saleh el Husseini.	C138/3676/38	Jerusalem.	13.10.38.	0630	Ras Samham Lands.	Murder.

6.	8,615/PS.	Sheikh Hassan. Salameh.	C138/1285/38.	Lydda.	11.6.38.	2300	Beit Nabala.	Arson and shooting.
7.	8,695/PS.	Mohammed Yasin.	C138/558/37.	Rosh Pinna.	16.3.37.	1845	Rosh Pinna.	Murder (Non Lieu).
8.	7,004/PS.	Mahmoud Salim, alias Abu Ahmed.	C138/2088/37.	Shef Amr.	30.11.37.	2200	Shef Amr.	Murder.
9.	9,760/PS.	Abdul Halim el Joulani.	C138/3897/38.	Hebron.	23.10.38.	1000	Hebron.	Murder.
10.	5,163/PS.	Hanna Eissa Kbalar.	C121/3332.					Wanted under 15B, Emergency Regulations. A.O.
11.	10,103/PS.	Said Abdul Qader Shukeir.	C138/1052/39	Ramallah.	29.3.39.	2000	Burqa.	Discharging firearms at a person.
12.	13,700/PS.	Haj Mohd. Muslim Hijazi.	C121/3354.		2.9.38.		Mijdal Sadek Rd.	Murder.
13.	17,016/PS.	Mahmoud Abu Kheir	C138/283/37.	Affule.	8/9.2.37.	2300	Khirbet Tarbanch.	Armed robbery.
	"	" " "	C138/3521/39.	Lydda.	9.11.39.	1840	Muzeira.	" "
	"	" " "	C138/3522/39.	Lydda.	11.11.39.	1945	Tireh Dandan.	" "
14.	3,840/PS.	Adel Bakr Tamimi.	C121/3486.	Nablus.				A.O. under Section 18 (3) of Emergency Regs.
15.	5,726/PS.	Abdul Rahman Hamed.	C121/3411.	Jaffa.				A.O. under Section 18 (3) of Emergency Regs.

COPY.

SECRET.

CATEGORY A.2.

These persons at present out of the country who though actively opposed to Government in the past would, it is hoped, settle down as reasonable citizens.

Name.	C.I.D. No.	
1. George Khoury.	17,045/PS.	
2. Aref Shweika.	9,573/PS.	
3. Farid Fakhr Eddin.	3,433/PS.	
4. Saleh Abdin (Doctor).		
5. Yusef Jneid.	9,751/PS.	Imprisoned 12 months Syria.
6. Munir Farah.	1,820/PS.	To return and be placed under 15A.
7. Amin Ma'alouf.	3,236/PS.	
8. Fares el Khoury.	4,312/PS.	
9. Jamil Shanti.	6,980/PS.	
10. Haj Nadim Eissa Taha.	7,036/PS.	
11. Yusef Abu Labad.	7,105/PS.	
12. Said Abdul Nabeh.	7,159/PS.	
13. Sheikh Mohammed Saadeddin.	7,544/PS.	
14. Amin el Baz.	8,230/PS.	
15. Hussein Taher Hussein.	10,184/PS.	
16. Abdul Latif Kawash.	10,254/PS.	
17. Said Azziz el Issa.	10,201/PS.	
20. Abdullah Samara.	335/PS.	
21. Fayyad el Khadra.	2,352/PS.	
22. Atef Nowrallah.	3,243/PS.	
23. Abdullah Sha'ar.	7,039/PS.	
24. Dr. Sabri Izzedin Kaddoura.	3,051/PS.	
25. Ali Rida en Nahawi.	2,918/PS.	
26. Dr. Izzedin Kaddoura.		
27. Raouf Ownallah.	17,044/PS.	
28. Musa el Alami.		

OUT FILE

Registry No: E 2224/50/31.

~~194~~

FOREIGN OFFICE, S.W.1.

7 May ~~April~~, 1940.

6.30 p.m.

MAY 1940 EGYPT

Draft.

Sir D. Newton,
Baghdad.

Telegram.

No. 128

Cypher

L.D.C

Repeat Jedda 40

254 Cairo.

350 Jerusalem

Jedda telegram No. 62 [of 8th April:

Palestinian refugees in Iraq] and Cairo

telegram No. ~~222~~ 257 [of ~~14th~~ 24th April].

I should welcome your observations. Can you in particular give any estimate of the numbers of Palestinian refugees still in Iraq other than those included in the list forwarded ~~and of the number unable to return even under~~ to you with the High Commissioner's secret ~~cover of assurances already given by the~~ despatch of the 15th March?

~~Palestine Government (see e.g. Palestine telegram No. 173 Secret of 27th February to you).~~

2. His Majesty's Government have no intention of subsidising Palestinian exiles, whether guilty of crimes or not, but so far as possible they are anxious to reduce the number of these exiles and with it the temptation to the surrounding States to make capital out of

/ their

NOTHING TO BE WRITTEN IN THIS MARGIN.

their supposed troubles.

Addressed Bagdad No. .....

Repeated Jedda No. ..... ~~and~~ Cairo

No. ..... and Jerusalem No.

3. Representations have now been received from Egyptian Ambassador, purporting to speak for all three States, and from Saudi Arabian Minister. Iraqi Chargé d'Affaires has said nothing yet, but in spite of your telegram No. 134 [of April 29] I do not ~~think~~ ~~made~~ ~~from~~ by ~~[illegible]~~ dwelling ~~[illegible]~~ this opinion ~~from~~ 5 seem to be trying to drive wedges between Arab States ~~[illegible]~~ I do not ~~[illegible]~~ actually general Nazi record disappears ~~generally~~ of recommendations of Egyptian Ambassador (but these showed the general ~~[illegible]~~ amnesty permitting return of expected Palestinians who could be brought before civil courts for any crimes already committed by them, any future crimes being judged by military courts) ~~[illegible]~~ ~~[illegible]~~ general amnesty, or for ~~[illegible]~~ ~~[illegible]~~ goes far beyond anything Hon. has ever said they might contemplate.

(which more generally be interpreted = light of your telegram 2 of Cairo No. 257 [of April 24])

(but not yet considered)

Cos.
7/5/40

(E 1974/50/31).

LIMITED DISTRIBUTION.

Cypher telegram to Sir B. Newton (Bagdad)

Foreign Office, 7th May, 1940. 6.30 p.m.

No. 128.

vvvvvvvvvvv

Jedda telegram No.62 [of 8th April: Palestinian refugees in Iraq] and Cairo telegram No.257 [of 24th April].

I should welcome your observations. Can you in particular give any estimate of the numbers of Palestinian refugees still in Iraq other than those included in the lists forwarded to you with the High Commissioners secret despatch of the 15th March?

2. His Majesty's Government have no intention of subsidising Palestinian exiles, whether guilty of crimes or not, but so far as possible they are anxious to reduce the number of these exiles and with it the temptation to the surrounding States to make capital out of their supposed troubles.

3. Representations have now been received (but not yet considered) from Egyptian Ambassador preporting to speak for all three States, and from Saudi Arabian Minister. Iraqi Chargé d'Affaires has said nothing yet, but in spite of your telegram No.134 [of April 29th] I do not necessarily wish by dwelling on this omission to seem to be trying to drive wedges between Arab States. I do not suppose General Nuri would actually disapprove of recommendations of Egyptian Ambassador, (that there should be "a general amnesty permitting return of exiled Palestinians who could be brought before the civil courts for any crimes already committed by them, any future crimes being judged by Military Courts", which must presumably be interpreted in light of paragraph 2 of Cairo telegram No.257 [of April 24th]) although I hope he would recognise that a general amnesty, for instance, goes far beyond anything His Majesty's Government have ever said they might contemplate.

Repeated to Jedda No.40, Cairo No.254 and Jerusalem No.350.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No: E1974/50/31

L.B.
Draft.

Mr. Downie,
Colonial Office.

(For Mr. Baggallay's signature)

Copy of Egyptian Ambassador's representations. (E1952)

Record of conversation between Saudi Arabian Minister and Mr. Baggallay. (E1944)

~~196~~ 71 69

7th May, 1940.

My dear Downie,

Many thanks for your letter No. 75896/1/40, of May 4th, about the question of the return of Palestinian exiles.

2. We have now received the text of the Egyptian Ambassador's representations and I enclose a copy herewith. They are embodied in a personal and private letter to Mr. Butler dated May 2nd. In addition, I enclose the record of a further conversation which took place on May 1st between the Saudi Arabian Minister and myself.

3. You will see that the Egyptian Ambassador's main recommendation is contained in paragraph 2 of his letter, but as it is somewhat ambiguous and inconsistent, it must, I think, be interpreted in the light of paragraph 2 of Cairo telegram No. 257 of ~~May~~ 24th - not that that is by any means free from ambiguity.

4. This being so, the observations for which the High Commissioner has already been asked ~~will doubtless~~ may be sufficient to enable us to discuss the representations now received from the Egyptian Ambassador. It may be, therefore, that as soon as you receive a telegram from the High Commissioner, the best thing will be to have a meeting ~~with~~ of your Secretary of State, ~~at which~~ Mr. Butler would, ~~probably be~~ if he were willing to do so, be present. There is of course a pretty wide gap between what the Arab States now suggest and the policy set forth in the enclosure to your letter of May 4th.

Yours ever

(Sd) Lacy Baggallay

FOREIGN OFFICE, S.W.1.

(E 1974/50/31) 7th May, 1940.

My dear Downie,

Many thanks for your letter No. 75896/1/40 of the 4th May, about the question of the return of Palestinian exiles.

2. We have now received the text of the Egyptian Ambassador's representations and I enclose a copy herewith. They are embodied in a personal and private letter to Mr. Butler dated the 2nd May. In addition, I enclose the record of a further conversation which took place on the 1st May between the Saudi Arabian Minister and myself.

3. You will see that the Egyptian Ambassador's main recommendation is contained in paragraph 2 of his letter, but as it is somewhat ambiguous and inconsistent, it must, I think, be interpreted in the light of paragraph 2 of Cairo telegram No. 257 of the 24th April - not that that is by any means free from ambiguities.

4. This being so, the observations for which the High Commissioner has already been asked may be sufficient to enable us to discuss the representations now received from the Egyptian Ambassador. It may be, therefore, that as soon as you receive a telegram from the High Commissioner, the best thing will be to have a meeting at which your Secretary of State and Mr. Butler would, if they were willing to do so, be present. There is of course a pretty wide gap between what the Arab States now suggest and the policy set forth in the enclosure to your letter of the 4th May.

E.F. Downie, Esq., C.M.G., O.B.E.

Colonial Office.

~~138~~

LIMITED DISTRIBUTION.

Decypher. Sir B. Newton (Bagdad)
10th May, 1940.

D. 11.40 a.m. 10th May, 1940.
R. 1.20 p.m. 10th May, 1940.

No. 153.

vvvvvvv

Your telegram No. 128. E 1974 / 50 / 31

It is estimated that there are at present about 300 Palestinian refugees in Iraq including those in lists enclosed in High Commissioner's despatch of March 15th. Their anti-British agitation is causing me anxiety, see my telegram No.150, and I should welcome any measures that would reduce their numbers. I have not yet received Cairo telegram No. 257 but measures of appeasement similar to those outlined in Cairo telegram No.222 to you have frequently been advocated to me by Nuri himself as you are aware from my despatch No. 30 and my telegram No.62. They were probably suggested by him during his recent visit to Ibn Saud and he would no doubt welcome the adoption of the recommendation of the Egyptian Ambassador. I have myself always hoped that early action would be possible on lines indicated in secret despatch of February 9th from Secretary of State for the Colonies to High Commissioner of Palestine (Palestine print February 12th Section 1).

Nuri told me recently that those Palestinians now in Iraq who are permitted to return to Palestine were hesitating to go because they feared that their enemies in the Nashashibi Party would bear false witness against them and have them arrested and brought before Military Courts. If past offences are placed under sole jurisdiction of the Civil Courts these people will probably be less fearful of returning.

A report was broadcast from Berlin on May 7th that 7 men had been sentenced to death by Military Courts at Haifa.

Repeated to Jedda telegram No.15, Cairo telegram No.47, Jerusalem telegram No.23.

THE ANGLO-TURKISH RELIEF COMMITTEE

~~199~~ as from 30, Brechin Place,
S.W. 7.

SFN/MME 8th May, 1940.

The Rt. Hon. Malcolm MacDonald,
Secretary of State for the Colonies,
Colonial Office, S.W. 1.

Dear Mr. MacDonald,

As suggested to me by Sheikh Hafez Wahba, there are several Palestine refugees in Iraq, whose presence there cannot be helpful to us.

His advice is that a general amnesty be granted to all Palestinians, enabling the Governments of Iraq and Saudi Arabia to advise all Arabs to accept the White Paper and to co-operate; and unless we take the initiative these Governments cannot offer their help.

I have absolute confidence in the honesty of purpose of Jamal Husseini and such of the leaders as I know personally, and believe they would give personal assurances if they are offered an amnesty; if a promise is made to them that the White Paper will be carried out and if they are given a contributive lead to rebuild Palestine, they will do their best.

Should you think it of use, I would be very glad to take an informal offer to them, get their agreement and generally assist in getting their co-operation and that of Iraq and Saudi Arabia. I believe such an attempt would be fruitful.

Yours sincerely,

(Sgd.) S.F. Newcombe.

200 INDEXED

AMENDED COPY.

CYPHER TELEGRAM from the High Commissioner for Palestine

to the Secretary of State for the Colonies.

Dated 4th May 1940 - Received 1.20 p.m. 4th May.

No. 392. Secret.

Your telegram No. 329 Secret. I have now received Cairo telegram No. 258. I also have Jedda telegram No. 62.

2. The Egyptian démarche seems to go much further than anything suggested by Ibn Saud. The latter when pressed by Nuri to help him to get rid of Palestinian refugees who afflict Iraq and embarrass Hinaidi was markedly careful not to link this too closely with wide political questions as Egypt has not been ~~also~~ slow to do for her own purposes.

3. It seems to me that Egyptian Prime Minister taking advantage of such sympathies as may have been shown to him sees another opportunity of appearing as leading champion of Arab cause. In spite of his saying to (?) the contrary (?), démarche is joint (paragraph 3 of Cairo telegram No. 257) a statement which he knows Ibn Saud would find it awkward to contradict. I feel that his proposals should be viewed in that light rather than as considered advice of three neighbouring states. Cairo telegram No. 242 suggests that Hafiz Wahba is a little afraid of mistake going too far.

4. In any case my view regarding the actual propositions made in Cairo telegram No. 257 is that we have gone quite as far as we ought or safely can in the matter of amnesties and exiles at the present. The suggestion that old offences should be tried by civil courts and new ones only by military when read in conjunction with proposal that there should first be an amnesty seems to amount to little more than saying that civil courts can be trusted to observe the amnesty and military courts cannot. It would surely have been more logical to press for an exact reversal of the proposition.

M. L. [illegible]

INDEXED

E 1974/50/31

Colonial Office,

75896/1/40. 201 Downing Street,

SECRET. 21st May, 1940.

74

My dear Baggallay

Note.

E1953/50/31

Draft Telegram.

I enclose a note of the interdepartmental meeting held here on the 15th May to discuss the recent representations made by the Egyptian Ambassador about the question of the return of the Palestinian refugees, together with the draft of a telegram which it was agreed that we should prepare and send to you and the War Office for concurrence.

Could you kindly let me know as soon as possible whether you have any alterations to suggest in either of these documents?

I am writing similarly to Mackenzie.

Yours sincerely

Liv Luke

See overs

H. L. BAGGALLAY, ESQ.

202

NOTE OF DISCUSSION.

A meeting was held in Sir John Shuckburgh's room on the 15th May to discuss the recent representations made by the Egyptian Ambassador on the question of the return of the Palestinian refugees. Mr. L. Baggallay and Sir Kinahan Cornwallis (Foreign Office), Major Mackenzie (War Office), Mr. Bowen (Ministry of Information), Sir G. Bushe, Mr. Downie and Mr. Luke were also present.

2. It was agreed that it would be undesirable at this stage to make anything in the nature of an important political gesture in response to the representations of the Arab States, and indeed that there was no reason to suppose that such a gesture was expected. On the other hand, the position of the refugees was obviously, from one cause and another, a matter of genuine concern to the Governments of the States, while their presence served to stimulate public interest in the situation in Palestine. Moreover, it was impossible to ignore the damaging effects of the anti-British activities of these concentrations of disgruntled Palestinians scattered throughout the Middle East, and it was clear from Sir Basil Newton's most recent telegram (No. 153) that their activities in Iraq were in fact causing him some anxiety. While it was realized that there were a number of persons (apart from the Mufti) whom it would be dangerous to admit to Palestine at present, it was felt that in present circumstances the great majority of the exiles were able to do more harm while at large in Iraq or elsewhere than they could under the eye of the British authorities in Palestine. It

was

~~203~~

2.

was therefore generally agreed that the possibility of securing the return to Palestine of all but a strictly limited number of the most dangerous leaders ought now to be explored in consultation with the High Commissioner.

3. As regards the question of how this might best be effected, the suggestion was made that the procedure adopted in Iraq after the rebellion of 1920 might provide a useful precedent. A situation had then arisen somewhat similar to that now under consideration; a considerable number of Iraqis had either been exiled or had left the country voluntarily. As early as May, 1921, Sir Percy Cox decided to declare a general amnesty covering all offences committed during the rebellion against the State. It was felt that the drawing of a distinction between offences against the State in furtherance of the rebellion on the one hand and offences against the person on the other would be far from easy in practice, but it was thought that this proposal would, if it should prove to be practical, offer a reasonable prospect of a solution of the refugee problem. It was agreed, therefore, that the proposal should be referred to the High Commissioner at once, and that he should be asked to consider and report on it as soon as possible.

4. It was pointed out that there might be many people who would remain in doubt as to whether their cases were covered by a pardon relating to political offences, and it was thought that such persons, before deciding to return, should be given every encouragement to consult the Palestine Government.

Finally

Finally there was the case of those persons who were already in prison in Palestine serving sentences for similar offences. The High Commissioner would have to be asked to consider whether, in the event of a pardon being granted for political offences, such persons should not in equity be released.

5. Reference was also made to the request received from both the Egyptian and Iraqi Governments that past offences should now be tried by the civil rather than the military courts, and that the latter should restrict themselves to new cases. It was felt that this request was not an unreasonable one; the internal situation had now so improved in Palestine that the civil courts were able to function fairly normally, while the punitive aspect of the military courts no longer had the same importance. It was agreed, therefore, that the High Commissioner might be asked to consider this request sympathetically.

6. Finally, reference was made to the repeated use made by the German broadcasting stations of the sentences imposed by the military courts, and it was decided that the High Commissioner should be asked to consider, in consultation with the military authorities, what arrangements could be made to supply the Ministry of Information with advance information of the facts of each case prior to the announcement of the sentence.

17.5.40.

~~205~~

DRAFT CYPHER TELEGRAM.

No. Secret.

HIGHCOMA

JERUSALEM.

Your telegram No. 392.

Egyptian proposals have been considered in consultation with Foreign Office and War Office.

2. While full weight was given to your view that, as far as the internal situation in Palestine is concerned, we have gone as far as we safely can in the matter of measures of leniency, it was felt that the continuance of present situation in which large numbers of Palestinian refugees still remain in neighbouring countries is likely to be seriously prejudicial to Allied cause in Middle East.

3. As you are aware from Bagdad telegram No. 153 (repeated to you as No. 23), position in Iraq, owing to anti-British activities of large number of refugees there, is a cause of special anxiety. In present circumstances, therefore, it seems likely that these persons (with certain exceptions) could do less harm in Palestine than in Bagdad or elsewhere, and that wider considerations of British position in Middle East require that possibility of facilitating return of all but limited number of Mufti's principal lieutenants ought to be carefully examined.

[including Jamal Husseini]

4.

4. It was suggested that this object might best be achieved by the grant of a general amnesty for "offences committed against the State" as distinct from "offences against the person". Precedent exists for such distinction in the proclamation issued by the High Commissioner for Mesopotamia in May, 1921, announcing a pardon for all those "who were concerned in the rising of 1920, in respect of offences as against the State in the furtherance thereof". It is obvious that there will be serious practical difficulties in distinguishing between what should be regarded as offences against the State and offences against the person or property, but I would be grateful if you would examine this suggestion and let me have your observations. The determining factor may perhaps be found in the consideration whether the offence was committed for the private purposes of the offender or was committed in furtherance of the rebellion. I should, however, make it clear that I do not contemplate that there should be any avoidable publicity for such action as it may be decided to take; the object must be to secure the unobtrusive return of the refugees. Any measures of leniency would be made known through His Majesty's Representatives in Cairo, Bagdad and Jedda as hitherto.

5. If grant of an amnesty on these lines is found to be practicable, I presume that a large number of the refugees would be able to take advantage of it and to return to Palestine, including many of those whose names are

contained

contained in the two lists enclosed with your Secret despatch of the 15th March to H.M. Ambassador in Bagdad. It is probable that many persons might be doubtful whether their case was covered by the terms of the pardon, and it would no doubt be desirable to encourage such persons to consult Government in the first instance.

perhaps by indicating that except for serious premeditated crime, pardon was conferred on large scale as far as possible

6. The Iraq proclamation quoted above went on to announce that those who were detained or imprisoned would be set free, and you will no doubt consider at the same time whether it would not be necessary, in the event of the above proposal being adopted, to release those persons now in prison in Palestine serving sentences for similar offences.

7. You will see from Cairo telegram No. 222 and Bagdad telegram No. 153 to the Foreign Office that both Egyptian and Iraqi Governments attach importance to suggestion that past offences should now be tried by the civil rather than the military courts, and prospect of trial by military court does in fact appear to be one of the causes contributing to reluctance of refugees to return to Palestine. In view of fact that civil courts are now able to function fairly normally, I feel considerable sympathy with their representations on this point and I should be grateful if you would consider whether anything can be done to meet them in this respect.

Saudi Arabian Minister has pressed some point.

establishment of military courts to be deplored to replace ordinary justice in time of crisis. But these considerations do not apply to trial of offences committed in many cases long before the war and that

8.

8. I am much concerned at extent to which use is made in German broadcasts of sentences imposed by military courts, and I should be grateful if you would consider, in consultation with the military authorities, whether Ministry of Information could not be supplied in advance with justificatory material to be included in B.B.C. Arabic programme on same day as sentences are announced.

9. Finally, the question of executions is one which is causing Mr. Ambassador at Baghdad considerable concern (see Baghdad Rs No 167 [4 May 16] and 175 [9 May 20]). Difficulty is already serious where condemned persons can be proved guilty of crimes like murder. It becomes much greater still where actual proof is wanting and prosecution, though morally certain of their guilt, may be unable to secure conviction in offences such as carrying arms. I hope you will be able to consider whether something cannot be done to reduce number of prosecutions and convictions for such offences. Would it not be at least possible to avoid bringing forward cases of this kind which matters hang in balance on Western front. I should emphasise that here again question of a justice not only of an immediate change in method.

D.C/[illegible] [illegible] 21st May, 1940.

Dear

I acknowledge receipt of your D.O. letter No.[illegible] dated 18.5.40., forwarding a draft copy of a telegram which it is proposed to send to the High Commissioner for Palestine on the subject of an amnesty for political exiles.

2. I am to reply that the War Office concur with the draft telegram in question with the exception of the phrase in the two penultimate lines of paragraph 2.... "of all but limited number of Mufti's principal lieutenants", which, it is considered, should be altered to read... "of all but the Mufti and his principal lieutenants".

3. A copy of this letter has been sent to Mr. H.L. Baggallay of the Foreign Office.

Yours sincerely,

for Director of Military Intelligence.

[illegible] E.V. Luke, Esq.,
The Colonial Office,
S.W. 1.

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.
Dated 24th May, 1940. Received 12.2 a.m. 25th May, 1940.

IMMEDIATE.
No.462. SECRET.

Your telegrams 390 and 397.

I have consulted the General Officer Commanding and this telegram conveys our agreed views. We fully appreciate that wider considerations are involved than the internal situation in Palestine.

2. I should like first to mention a factor which in my view has particular bearing on the questions at issue. We have information that the Mufti hopes to revive terrorism in Palestine when a suitable opportunity presents itself. Recent developments in the war technique make his intention potentially more dangerous and already there are stories that his efforts might be associated with fifth column activities here. Palestine offers a particularly fertile field for such activities. The Jews are naturally nervous and whether on that account or for ulterior motives are spreading alarmist rumours. The Arabs are similarly prone to credulity and moreover there are many who are either illdisposed to the Government or build hopes upon Mufti's return or both.

3. I do not of course suggest that leading members of the Irak Government share the Mufti's intention to cause trouble in this country but they are no doubt anxious to get rid of the Palestine agitators to whom they originally extended a welcome but whom they now find to be an embarrassment. The Mufti and his associates naturally are only too anxious to exploit this state of affairs for their own ends since if they can obtain an amnesty or other considerable relaxation of the security measures it will facilitate the execution of their plans.

4. Of the effect of the mass return of all these exiles (excluding the Mufti and his principal Lieutenants) with some form of amnesty there can be no doubt:-

(a) It must tend to increase the prospects of a recrudescence of rebellion as and when the circumstances appear favourable;

(b) it will perturb and discourage rather than reassure those who are advocating moderation and conciliation who suffered at the hands of the Mufti's ?Palestinian faction (I refer primarily to the Arabs and secondly to the Jews);

(c) it will encourage the hopes of the Mufti's faction;

(d) it will make the Jews more discontented and difficult to handle than they are at present;

(e) it will offer definite facilities to the task of Fifth Columnists.

All the above factors would react adversely on the security of the country and might render it difficult if not impossible to release troops urgently needed elsewhere in a crisis. You have already reminded me that probable need to remove troops from Palestine is now more urgent than ever and as you are aware tha police posts are essential (as part of) reorganisation will not be completed until towards the end of the year.

5.

5. It is clear too that if some form of amnesty is granted to these people from Iraq a similar amnesty would have to be given to those who are already in Palestine. In addition it would seem impossible not to apply its terms to those who are already serving sentences of imprisonment for offences which would have been covered by those terms and who have not been released under terms of paragraph 10 of my despatch Secret of 31st December concerning review of sentences. This would of course greatly aggravate the effects enumerated in my preceding paragraph. I would add that General Officer Commanding and I and Law Officers regard the distinction in your paragraph 4 as impossible of application in practice and especially so as there would be involved questions of good faith and promises made.

10/20/21

6. As I see it the neighbouring States and exiles have focussed their démarches chiefly upon the matter of military courts (a) they think that accused have little chance of acquittal before them and (b) they know that military courts can give heavy sentences (including death) for acts (particularly carrying a firearm) which are either not justiceable? or/liable to a small penalty by the civil courts. only

I appreciate the force of the argument in paragraph 7 of your ~~6th November~~ telegram in this connection. The alternative courses of action appear to be:-

(1) abolish military courts.

(2) retain them with the existing emergency regulations for future offences only.

(3) retain them for future offences but without power to impose death sentences. retaining

(4) As in (3) but ~~excluding~~ the death penalty for cases in which discharging of firearms actually causes death, this to be specifically stated in revised regulations.

(5) The General Officer Commanding and I strongly urge adoption of (4). (3) is next best but General Officer Commanding considers and I agree that it would be unwise to abolish military courts entirely in the present war conditions.

7. We suggest that measure now recommended will sufficiently meet the case since exiles will have assurance that if they return, so far as past offences are concerned they can only be tried under the ordinary criminal law. And for new offences proposed modification of Emergency Regulations should meet the main objections to the existing procedure. The effect will probably be return of a number of exiles without involving the most difficult problem of a partial amnesty.

8. I do not infer from your telegram or representations forwarded from Iraq and Egypt that there is any animus against the death sentences passed and carried out in normal manner by civil courts for murder or that any change is suggested in this respect; but I should mention that in fact there have been cases where the offender might equally have been dealt with by military courts. No particular comment was made in these cases except approbation.

9. I am arranging to adopt the suggestion made in paragraph 8 re Ministry of Information.

10. Present position as regards capital sentences and executions pending as a result of military court trials is:-
executions carried out in April - 5;
carried out from 1st May to date - 2;
confirmed and pending execution - nil, but I find that death sentence was passed by a military court yesterday on four men to whom my telegram No. 459 of today's date refers. These sentences of course have not yet been reviewed by General Officer Commanding.

I have conveyed to General Officer Commanding the suggestion in paragraph 2 of your telegram No. 397. It will be followed.

Not repeated elsewhere since I do not yet hold the requisite recyphering tables.

211

"AMNESTY" FOR PALESTINIAN "EXILES".

(1) Action already taken by the Palestine Government.

The following measures of leniency have been adopted by the Palestine Government during the past few months:-

(a) Sentences imposed by military courts have been reviewed and reduced.

(b) A large number of internees have been released.

(c) Of the eleven Arabs who were formally excluded from Palestine under the Emergency Regulations eight have been informed that if they apply to return and give promises of good behaviour, they will be admitted. Four of the eight have returned on these terms.

(d) As regards the rest of the exiles (who are said to number 300 in Iraq), the High Commissioner has furnished our Representatives in Cairo, Bagdad and Jedda with -

(i) A list of persons whose return is regarded as undesirable and who would be arrested if they entered Palestine. There are 86 of these -a large number of whom have committed murders - but the list includes the four "excluded" Arabs who have not yet taken advantage of the opportunity given to them to apply for re-admission. The number whose return is definitely ruled out is therefore 82.

(ii) A list of 28 persons who, though actively opposed to the Government in the past, would,

it

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(d) As regards the rest of the exiles (who are said to number 500 in Iraq), the High Commissioner has furnished our Representatives in Cairo, Bagdad and Jedda with -

(i) A list of persons whose return is regarded as undesirable and who would be arrested if they entered Palestine. There are 86 of these -a large number of whom have committed murders - but the list includes the four "excluded" Arabs who have not yet taken advantage of the opportunity given to them to apply for re-admission. The number whose return is definitely ruled out is therefore 82.

(ii) A list of 26 persons who, though actively opposed to the Government in the past, would,

it

~~212~~

2.

it is hoped, settle down as reasonable citizens and who would now be admitted to Palestine if they wish to return. These 26 persons and all the rest of the "exiles" are warned that there is no general amnesty and, though no charges are pending against them, they should "consult their consciences" before returning. If any person wishes to know whether prosecution awaits him immediately on arrival, he can make enquiries; but "permission to return if granted does not imply an amnesty in any form and does not grant immunity from legal action in respect of any act of violence or criminal offence which he may have committed or instigated".

This is in accordance with the communiqué issued by the High Commissioner in December last which read as follows -

"The High Commissioner understands that a number of Palestinian Arabs, who withdrew from Palestine during the troubles of the last few years and are still resident in neighbouring countries, are uncertain whether they can safely return to Palestine or not. Many hundreds have in fact returned during the recent months, and it is considered desirable to make generally known the policy which is in force.

While there can be no question of the grant of an amnesty or immunity for those who have been responsible for committing or instigating acts of violence or criminal offences, those persons who are not guilty of such offences and against whom no formal exclusion orders have been issued are free to return and resume their normal avocations without interference provided that they continue to observe the law and are ready to co-operate with the Government in the rehabilitation of the country."

(2)

(2) Present request of the Arab States.

(a) The Egyptian Ambassador has proposed to the Foreign Office that there should be -

> "A general amnesty permitting the return of the exiled Palestinians who could be brought before the civil courts for any crimes already committed by them. As to the crimes which may be committed in the future, they could be judged by the military courts."

In an earlier telegram Sir Miles Lampson reported that he understood that the Egyptian Prime Minister had instructed the Egyptian Ambassador "to press that these people should be allowed to return without any special undertaking on their part, only those definitely banned to be excepted on the understanding that their cases (including that of the Mufti) would be considered later".

(b) The Saudi-Arabian Minister has suggested to the Foreign Office that -

> "If His Majesty's Government could make some 'gesture' this would have an excellent effect upon Arab opinion generally"

and that

> "The best gesture would be to appoint some Palestinians to the charge of non-contentious Departments (like Agriculture) in Palestine as soon as possible, as contemplated in the White Paper."

These representations appear to have originated out of a suggestion by Nuri Pasha to the Governments of Egypt and Saudi-Arabia that those Governments should contribute to the support of the destitute Palestinians in Iraq.

A recent telegram from Bagdad indicates that the Palestinians now in Iraq who are permitted to return to Palestine are hesitating to do so because they fear

that

that their enemies in the Nashashibi Party will bear false witness against them and have them arrested and brought before military courts. If past offences are placed under the wole jurisdiction of the civil courts, these people will probably be less fearful of returning.

(3) High Commissioner's comments on the Egyptian Ambassador's proposal.

The High Commissioner considers that we have gone quite as far as we ought or safely can go in the matter of "amnesties" and "exiles" at the present. The suggestion that offences should be tried by civil courts and new ones only by military, when read in conjunction with the proposal that there should first be an amnesty, seems to amount to little more than saying that the civil courts can be trusted to observe the amnesty and military courts cannot. It would surely have been more logical to press for an exact reversal of the proposition.

15.5.40.

~~215~~

75986/2/40

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 10.0 p.m. 23rd May, 1940.

IMMEDIATE.

No. 397 Secret.

Addressed to Highcoma Jerusalem, repeated to Cairo 324, Bagdad 162, Jedda 43.

My telegram No. 390, paragraph 9. Executions of Arabs for offences connected with past disturbances. Under present conditions in Palestine it is becoming increasingly difficult to justify retention of death penalty for offences other than murder, and I feel strongly that the time has now come to amend Emergency Regulations so as to eliminate death penalty in case of all offences dealt with by military courts, leaving all cases of murder whether past or future to be tried under the criminal law in the civil courts.

2. I suggest also that in view of delicate situation in Iraq and Egypt, it is highly desirable to delay for the next few weeks any prosecutions involving capital charges arising out of past disturbances.

3. Please consult General Officer Commanding and telegraph your views at earliest possible date.

M.I. 1/4

~~216~~

INDEXED

E 1974/50/31

28 MAY 1940

89

H

LIMITED DISTRIBUTION

Decypher. Sir M. Lampson, (Cairo) 26th May 1940.

D. 1.30 p.m. 26th May 1940.

R. 3 p.m. 26th May 1940.

No. 386

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Your telegram No. 397 to Palestine.

I most warmly welcome this attitude which if implemented should have an excellent effect here.

2. Meantime I devoutly trust in consonance with this new policy no death sentences already pronounced be at present carried out. I understand there are some such, however justifiable.

Repeated to Jerusalem telegram No. 30.

M.I. 1/8

~~217~~

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 2.30 a.m. 22nd May, 1940.

IMMEDIATE.

No. 390 Secret.

Addressed to Highcoma Jerusalem No. 390, repeated to Cairo No. 314 Bagdad No. 158 Jedda No. 42.

Your telegram No. 392. Egyptian proposals have been considered in consultation with Foreign Office and War Office.

2. While full weight was given to your view that, as far as the internal situation in Palestine is concerned, we have gone as far as we safely can in the matter of measures of leniency, it was felt that the continuance of present situation in which large numbers of Palestinian refugees still remain in neighbouring countries is likely to be seriously prejudicial to Allied cause in Middle East.

3. As you are aware from Bagdad telegram No. 153 (repeated to you as No. 23), position in Iraq, owing to anti-British activities of large number of refugees there, is a cause of special anxiety. In present circumstances, therefore, it seems likely that these persons (with certain exceptions) could do less harm in Palestine that in Bagdad or elsewhere, and that wider considerations of British position in Middle East require that possibility of facilitating return of all but the Mufti and his principal lieutenants ought to be carefully examined.

4. It was suggested that this object might best be achieved by the grant of a general amnesty for "offences committed against the State" as distinct from "offences against the person". Precedent exists for such distinction in the proclamation issued by the High Commissioner for Mesopotamia in May, 1921, announcing a pardon for all those "who were concerned in the rising of 1920, in respect of offences as against the State in the furtherance thereof". It is obvious that there will be serious practical difficulties in distinguishing between what should be regarded as offences against the State and offences against the person or property, but I would be grateful if you would examine this suggestion and let me have your observations. The determining factor may perhaps be found in the consideration whether the offence was committed for the private purposes of the offender or was committed in furtherance of the rebellion. I should, however, make it clear that I do not contemplate that there should be any avoidable publicity for such action as it may be decided to take; the object must be to secure the unobtrusive return of the refugees. Any measures of leniency would be made known through His Majesty's Representatives in Cairo, Bagdad and Jedda as hitherto.

5. If grant of an amnesty on these lines is found to be practicable, I presume that a large number of the refugees would be able to take advantage of it and to return to Palestine, including many of those whose names are contained in the two lists enclosed with your secret despatch of the 15th March to His Majesty's Ambassador in Bagdad. It is probable that many persons might be doubtful whether their case was covered by the terms of the pardon, and it would no doubt be desirable to encourage such persons to consult Government in the first instance.

6. The

6. The Iraq proclamation quoted above went on to announce that those who were detained or imprisoned would be set free, and you will no doubt consider at the same time whether it would not be necessary, in the event of the above proposal being adopted, to release those persons now in prison in Palestine serving sentences for similar offences.

7. You will see from Cairo telegram No. 222 and Bagdad telegram No. 153 to the Foreign Office that both Egyptian and Iraqi Governments attach importance to suggestion that past offences should now be tried by the civil rather than the military courts, and prospect of trial by military court does in fact appear to be one of the causes contributing to reluctance of refugees to return to Palestine. Saudi-Arabian Minister here has pressed same point. In view of the facts that establishment of military courts is designed to secure speedy justice in times of crisis, that these considerations apply to trial of offences committed in many cases a considerable time ago and that civil courts are now able to function fairly normally, I feel considerable sympathy with their representations on this point and I should be grateful if you would consider whether anything can be done to meet them in this respect.

8. I am much concerned at extent to which use is made in German broadcasts of sentences imposed by military courts, and I should be grateful if you would consider, in consultation with the military authorities, whether Ministry of Information could not be supplied in advance with justificatory material to be included in B.B.C. Arabic programme on same day as sentences are announced.

9. I will telegraph further on question of executions which is causing the Ambassador at Bagdad considerable concern (see Bagdad telegrams Nos. 167 and 175 to Foreign Office). Please telegraph as soon as possible whether there are any capital sentences or executions pending.

10. I should be grateful for reply not later than end of this week.

M.I.

~~219~~

E 1974 / 50 / 31

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29 MAY 1940

INDEXED

LIMITED DISTRIBUTION

Decode. Sir B. Newton (Bagdad) 27th May 1940.

D. 2.30 p.m. 28th May 1940.

R. 4.35 p.m. 28th May 1940.

No. 194 (R)

///////

Your telegram No. 397 to Jerusalem.

Minister for Foreign Affairs informs me that appeals have been received by the Iraqi Government for their intervention to save number 3 in Jerusalem telegram No. 459 to Colonial Office.

Repeated to Jerusalem.

? Not received

E ~~220~~

PALESTINE & TRANSJORDAN.

1940

Registry Number E 2014/50/31.

TELEGRAM FROM B. Newton, Bagdad.
Decypher.
162.

Dated 15th May, 1940.

Received 16th May, 1940.

Subject: Palestine and Transjordan.

Palestinians in Iraq: attempted return of Ibrahim al Tarhi and Abdullah Namr.

Addressed to Jerusalem No. 25.
Requests information regarding alleged arrest of Ibrahim al Tarhi at Transjordan frontier.

(Copy sent to Amman).

Last Paper.
E 1974

References.
desp. of Mar. 15
(50/31)

(Minutes.)
A) Bagdad telegram No. 48 Saving of June 1
B) Letter from Mr. Downie C.O. of June 17 enclosing copy of Palestine telegram No. 408 of May 25
Enclosure IV to the High Commissioner's despatch of March 15th to Bagdad (E.1974) was not sent to the C.O. so we don't know who the people referred to are. We should no doubt see the High Commissioner's explanation of this incident in due course.
Copy C.O. W.O.
H.V. 17/5.
A.V. Cowley-Price. 17th May.
[illegible] 18/5/40

A Copy C.O. W.O.
H.V. 11/6
CP. 11th June.

(Print.)

(How disposed of.)

May 21st.

June 12th

Mr. Luke (C.O.)
W.O. (Maj. Cuthr.) August 2
Aug. 4.
~~July~~ Aug. 6.
(Mr Palmer.) Aug 7.

OVER

C Jedda 168 of 31 July
D C.O. (comments) copy Tel 728 from H.C. Palestine
E) Bagdad telegram No. 418 of Aug. 5
F) Jedda telegram No 173. of Aug. 6th.
G) " " " 179 " " 10

action pleted.)

(Index.)

Next Paper.
(E2453)

E. 2076.

There is nothing more we can say about the White Paper policy, the return of the Mufti to Palestine, and the return of innocent refugees. In these circumstances, it is useless for Yusuf Yasin to try and get some sort of declaration out of us which would please the Mufti. Nor do we want indirect negotiations with the Mufti.

Moreover, such visits to Jerusalem by representatives of the Sand or any one merely increase uncertainty as they give the impression that H.M.G. might after all be considering some modification of the White Paper more acceptable to the Arabs.

I suggest we should discourage this proposal and submit a draft tel. to Jedda herewith.

H V Hyam
3/8

I agree.
A.V. Cowley Price
5th August

In view of Sir B. Newton's, I suggest that it would be enough if Mr. Bird replied to the Sand that the alleged invitation was merely a private suggestion of Colonel Newcombe's and that it is not prepared to proceed any further with it.

H V Hyam
7/8

* I think we might say this* and add the final paragraph of our original dft. tel.

New dft. herewith.

A.V. Cowley Price.
8/8.

7/8/40

Adhoc. cont.

E.8.) Mr Luke C.O.
Aug 7th

E.9.F.
Tel.) Jedda. no 114
Aug. 9
Rptd. Cairo. no 765
Bagdad no 378
Jerusalem no 6
8. C.O. Aug 9th
Written

8) C.O. Aug. 14.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No: E 2014/50/31 C

H.M.E.

Draft.

Mr. Bird, Jedda.

Telegram.

No. . .

Cypher.

Limited Distribution.

Repeat to:

Cairo No. . .

Bagdad No. . .

Jerusalem No. . .

Colonial Office for concurrence.

Copy eventually to Colonial Office.

2c in blue
2nd flimsy
in draft form

6- 94

~~22~~ 21 August, 1940.

Despatched *M.*

Your telegram No. 168 [of July 31st: proposed visit of Yusuf Yasin to Jerusalem].

Policy of H.M.G. ~~in Palestine~~ was fully set out in May, 1939, and nothing has occurred to change it (see my telegram No. 299 flag B [of July 10th] to Bagdad). H.M.G. have also made it clear on more than one occasion that the Mufti and certain other leaders in close association with him would not be permitted to return to Palestine. As regards other refugees, it has been publicly announced that those whose consciences are clear can freely return to Palestine. In these circumstances, it ~~would seem~~ appears that no useful purpose ~~will~~ would be served by a discussion of these questions between Yusuf Yasin and a representative of the Palestine Government.

2. In any case, while H.M.G. ~~do not wish to~~ realize that nothing ~~encourage~~ is likely to deter representatives from neighbouring

Arab/

Arab States from attempts to re-open discussions about Palestine, ~~which might give~~ impression that they are prepared to modify ~~or clarify~~ ~~White Paper proposals~~ policy already laid down for benefit of the ~~Arabs~~.

They do not wish by their attitude to encourage such attempts to give ~~impression~~

3. You should, therefore, unless you see any objection, inform Ibn Saud that ~~while~~ it does not seem that a discussion of the ~~the High Commissioner will be very~~ would not be willing to receive at any time any representative whom Ibn Saud might wish to send to Jerusalem, and to afford him all reasonable facilities, ~~H.M.G. feel doubt, for the reasons given in paragraph 1, whether~~ fear a discussion of the questions which Yusuf Yasin apparently intends to raise would ~~be~~ serve any purpose useful at the present time; but that this does not mean that

Addressed to Jedda No. , Repeated to Bagdad No. , to Cairo No. , to Jerusalem No.

to Baggallay.

~~222~~

E

LIMITED DISTRIBUTION.

Decypher. Sir B. Newton, (Bagdad). 15th May, 1940.

D. 2.30 p.m. 15th May, 1940.

R. 3.30 p.m. 15th May, 1940.

No. 162. JJJJJJJJ

IMPORTANT.

Addressed to Jerusalem telegram No. 25. Copy by bag to Amman.

E.1974

Minister for Foreign Affairs sent Director General of Ministry to me this morning to tell me that it had been reported to him that number four on enclosure four of your despatch of March 15th (Ibrahim al Tarhi) had been arrested on arrival at Transjordan frontier and put in irons. This man had been granted transit visa for Transjordan in accordance with your telegram No. 70 of April 4th and the Resident at Amman had been informed.

Report seems to have been brought back by number ten in enclosure four (Abdullah Namr [sic]) who states that he returned from the frontier after seeing the fate of number four. He had not applied for a visa.

I shall visit the Minister for Foreign Affairs on May 16th and should be grateful if you would put me in a position to give him the facts.

Repeated to Foreign Office telegram No. 162.

A96

~~223~~

LIMITED DISTRIBUTION.

Telegram (en clair) from Sir B. Newton (Bagdad).
1st June, 1940.

D. By Bag. 1st June, 1940.

R. 12.50 p.m. 10th June, 1940.

No. 48 Saving.

cccccccccc

Addressed to Jerusalem No. 5 saving.

Your telegram No. 239.

Received F.O.

I have informed the Minister for Foreign Affairs of the facts. He explained that after further enquiry it had been found that the report of Tarhi's arrest had been brought back by a bedouin who had repeated a silly story. Already Tarhi's friends had received letters telling them that he was free and well in Palestine and the false story was therefore dead.

2. I pointed out that the bedouin's story was none the less mischievous and should not be allowed to discourage people from returning to Palestine.

M.E. 10 ~~224~~

TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Dated 25th May 1940 - Received at 4.36 p.m. 25th May.

"R" Decode.

No. 468.

Addressed to Bagdad No. 239, repeated to the Secretary of State for the Colonies No. 468. Your telegram No. 25. Error

British Resident states that Ibrahim al Tarhi was not arrested or put in irons. He was accompanied from H. 4 to Palestine frontier by a policeman to ensure that he did not break his journey through Trans Jordan. This precaution was envisaged in the last paragraph of my telegram No. 170. Person named is now in Palestine.

Story conveyed to Bagdad appears to be a malicious fable.

M.I. 7/10 ~~295~~ E

98 C

Palestinian Refugees in Iraq

LIMITED DISTRIBUTION.

Decypher. Mr. Stonehewer Bird (Jedda).
31st July, 1940.

D. 12.50 p.m. 31st July, 1940.

R. 6.45 p.m. 31st July, 1940.

No. 168.

xxxxxxxx

IMMEDIATE.

Ibn Saud has informed me through Qaimaqam that, at the request of His Majesty's Ambassador, Yusuf Yasin recently met Colonel Newcombe in Baghdad. ~~Gap.~~ Yusuf later discussed question further with Nuri Pasha and certain Palestine notables. Nuri is said to have suggested asking His Majesty's High Commissioner for Palestine to arrange a meeting between Yusaf Yasin and a representative of Palestine to discuss Palestine question.

2. Ibn Saud in bringing these facts to my notice says he does not wish to take action which might in any way embarrass His Majesty's Government. He realizes that His Majesty's Government are the best judges of what is in the interests of Palestine and only if they think the meeting between Yusuf Yasin and a representative of Palestine would serve useful purpose will he authorize it.

3. Question which Yusuf Yasin wishes to discuss is, I gather, that of Palestinians in Iraq, for he has reported to Ibn Saud that ex-Mufti and his followers are not prepared to return to Palestine unless ~~preparations for the above are~~ this Paper is implemented in accordance with their interpretation of its terms.

4. I shall be grateful for early instructions as to reply which I should give to Ibn Saud.

Repeated to Baghdad No. 45, Jerusalem No. 39, M.I.C.E. No. 11.

(Copy sent to Mr. Luke, C.O.)

M.I. 400 ~~226~~ 3 AUG 1940 99

Colonial Office Reference No. 75872/52/40

With the compliments of Mr. Dennis

Date 2/8/40.

Reference

E 2014/50/31

INDEXED

CYPHER TELEGRAM.

FROM High Commissioner PALESTINE.

Dated 1st August
Received 3.20 p.m. 1st August, 1940.

IMMEDIATE.

No. 728.

Addressed to the Colonial Office No. 728 Repeated to Jedda No. 460 Baghdad No. 461 and M.I.C.E. Saving No. 462.

Reference to Jedda telegram No. 168 to the Foreign Office. This is all somewhat circuitous and nebulous but my views are as follows. Ibn Saud has consistently observed a most correct and realistic attitude avoiding any action likely to prove embarrassing unless he felt genuinely moved. We know from certain sources that he distrusts Nevri profoundly and I greatly doubt whether he wishes his representative to get involved in pulling Nevri's chestnuts out of the fire.

2. I infer that he would in no way resent being told that meeting suggested would not appear to serve any useful purpose and I hope that this may be the sense of the reply given to him. At the same time, I should have no objection to the addition of an expression of my entire willingness to receive at any time any representative of his who proposed to visit Jerusalem on his instructions and afford him all reasonable facilities.

E

M.I. 1

LIMITED DISTRIBUTION.

Decypher. Sir B. Newton (Bagdad). 5th August, 1940.

D. 9.45 p.m. 5th August, 1940.

R. 1.45 a.m. 6th August, 1940.

No. 418. xxxxxxx

Jedda telegram No. 168 to you.

I imagine original story is the suggestion that Newcombe has been putting about quite privately, that he should take Nuri Pasha and Yusuf Yasin to Palestine to visit High Commissioner and to see how well things were going on there. Suitable answer to Ibn Saud might be to inform him of entirely private nature of Colonel Newcombe's visit to Iraq and to say if later on it is thought a visit from Yusuf Yasin to Palestine would be help[two grps. undec.] will be consulted through diplomatic channel.

I suspect Yusuf Yasin of seeking to magnify his own importance. As however I do not like to ignore him, I gave him the opportunity of meeting Newcombe at dinner with other Iraqi guests, and this may explain first sentence of Jedda telegram.

Repeated to Jedda 7 Saving, Jerusalem 11 Saving, Middle East Intelligence Centre 10 Saving.

M.E. 5/10 ~~228~~ E

E2014/50/31 7 AUG 1940

101

LIMITED DISTRIBUTION.

Decypher. Mr. Stonehewer Bird (Jedda)
6th August, 1940.

D. 12.30 p.m. 6th August, 1940.

R. 4.20 p.m. 6th August, 1940.

No.175.

[ ] [ ] [ ]

E2014/50/31

Jerusalem telegram No.728 to Colonial Office.

I agree entirely with views expressed.

2. My inference was that Ibn Saud was not himself over keen on suggested meeting but was unwilling to reject proposal out of hand for fear of offending Nuri and in ignorance whether it had the approval of British authorities.

3. I think reply suggested in paragraph 2 especially if it includes the proposed conventional invitation will satisfy Ibn Saud.

Repeated to Bagdad No.47, Jerusalem No.41, M.I.C.E. No.12.

Registry
No: EE2014/50/31

A.V.C-P.

Draft.
Mr. Bird,
Jedda.

Telegram.

No. 114

Cypher.
Id. 107

Repeat to
Cairo, 1765
Baghdad, 278
Jerusalem. 689

Copy C.O. for
Concurrence ~~urgently~~ ~~immediately~~ ~~at~~
(in place of diff.
del: on C.)
with copies of
E. and F. L.B.
Copy C.O.
(Wireless)
C.P. 8/8/40

~~Telephone~~ by telephone

NOTHING TO BE WRITTEN IN THIS MARGIN.

~~279~~ 9th August, 1940.

2 Telegrams

Despatched M.

CYPHER ROOM F.O.

Your telegram No. 168 [of the 31st July: proposed visit of Yusuf Yasin to Jerusalem].

As you will have seen from Bagdad telegram No. 418 [of the 5th August] ~~to the Foreign Office,~~ proposed meeting was ~~purely~~ private suggestion of Colonel Newcombe. It does not seem that discussion of the questions which Yusuf Yasin apparently intends to raise would serve any useful purpose at the present time; ~~but~~ and I agree that you should reply on lines suggested: this does not mean that ~~the~~ High Commissioners ~~would not be willing to receive at any time any representative~~ whom Ibn Saud might ~~wish~~

Repeated to Addressed Jedda No. 728 [of August 8th].
Baghdad No. Jerusalem No. and M.E.I.C.

Send. HAR 8/8

wish to send to Jerusalem and to afford him all reasonable facilities.

2. Unless you see any objection, you should inform Ibn Saud accordingly.

NOTHING TO BE WRITTEN IN THIS MARGIN.

~~230~~

(E 2014/50/31)

LIMITED DISTRIBUTION

Cypher telegram to Mr. Stonehewer-Bird (Jedda).

Foreign Office, 9th August, 1940. 2.19 a.m.

No. 114.

zzzzzzzz

Your telegram No.168 [of the 31st July: proposed visit of Yusuf Yasin to Jerusalem].

As you will have seen from Bagdad telegram No.418 [of the 5th August] proposed meeting was private suggestion of Colonel Newcombe. It does not seem that discussion of the questions which Yusuf Yasin apparently intends to raise would serve any useful purpose at the present time; and I agree that you should reply on lines suggested in High Commissioner's telegram No.728 [of August 1st].

Addressed Jedda No.114. Repeated Cairo No.765, Bagdad No.378 and Jerusalem No.689.

104
G

~~231~~

LIMITED DISTRIBUTION.

Decypher. Mr. Stonehewer Bird (Jedda) 10th August, 1940.

D. 4.50 p.m. 10th August, 1940.

R. 11.50 p.m. 10th August, 1940.

No. 179.

cccccccc

Your telegram No. 114. E 2014/50/31

I have to-day replied to Ibn Saud on lines suggested in His Majesty's High Commissioner's telegram No. 728.

Repeated to Cairo No. 42, Bagdad No. 49.

Copy F.O.

13/8

1940

E ~~237~~

PALESTINE & TRANSJORDAN

E 2076
30 MAY 1940

E 2076/50/31

GRAM FROM Sir B. n, Bagdad.

Decypher
197 extract
29th May, 1940.
30th May, 1940

alestine and Transjordan.

Iraqi public opinion on British Broadcasting Corporation broadcasts regarding Palestine.

Refers to telegram to Cairo No.314 of May (E1974/50/31)

Reports Iraqi Minister for Foreign Affair's view that it is better for British Broadcasting Corporation to say nothing about sentences on Palestinian Arabs if they cannot announce that sentences have been commuted.

Repeated Cairo No.67 and Jerusalem No.31.

Last Paper
E 2014 (E 1974)

(Minutes.)

References.
97 of May 23rd
4 (50/31)

(Previous.)

(How disposed of.)
June 3rd

The B.B.C. can do nothing right! The fact is that Palestine is a focal point for all anti-British feeling, and whatever we say or do will be deliberately turned against us. However, in view of the recent exchange of telegrams with the High Commissioner, we may hope that death sentences and executions will be deferred for the time being.

Copy C.O.
W.O.

Mr. Baker.

H.V. Hopkins
30/5

A.V. Crawley-Price.
30th May.

on ed.)

(Index.)

Next Paper
2074.

The/

21051 A 11/36 T.G.P.

The main thing is to stop the executions, but if they do take place, I should have thought it would have been very difficult to ignore them altogether, seeing that the German radio is certain to tell all about them. If this is so, the only thing we can do is to explain as clearly as possible why in each case the death sentence has been well deserved.

31st May, 1940.

LIMITED DISTRIBUTION

Decypher: Sir B. Newton, (Bagdad). 29th May, 1940.

D. 8.25 p.m. 29th May, 1940.
R. 11.19 p.m. 29th May, 1940.

No.197.

zzzzzzzzzzzzz

C.O.

Your telegram No. 314 to Cairo paragraph 8.

Minister for Foreign Affairs mentioned to me on May 25th that broadcast of facts by B.B.C. about death sentences passed on Arabs in Palestine by Military Courts had a bad effect on public opinion in Iraq. He advised that it was better to say nothing about these sentences in the Arabic bulletins except when it was possible to announce that they had been commuted.

Earlier in the year I recommended that German propaganda about death sentences in Palestine should be answered by accounts of the condemned men's crimes, but I did not then foresee that trials and sentences would go on for such a long time and thereby so greatly exacerbate feelings.

In the present circumstances I am disposed to agree with the Minister for Foreign Affairs, and to suggest that the B.B.C. should do no more than refute as and when made German mis-statements by declaring in general terms that all the men condemned are criminals. Your telegram No. 397 to Palestine encourages me to hope further executions for offences committed in past disturbances will soon cease.

Repeated to Cairo telegram No. 67, Jerusalem telegram No. 31.

1640

E 281

PALESTINE & TRANSJORDAN.

E 2077
30 MAY 1940

E 2077/50/31

TELEGRAM FROM Sir B. Newton, Bagdad.

Decypher
190 Extract
Dated 26th May, 1940.
Received in Registry 28th May, 1940.

Palestine and Transjordan.

Public opinion in Iraq regarding Palestine and Syria.

Iraqi public opinion considers that His Majesty's Government, and if possible French Government, should make statement promising self-government for Palestine and Syria.

Last Paper.
E 2076

References.

(Minutes.)
A) Bagdad telegram No. 193 of May 27 extract)
B) Bagdad despatch No. 236 of May 27 enclosing copies of letters from Iraqi Minister for F.A. & from Mr Edmonds
C) letter of June 8 7872/85/40 from Mr Boyle, C.O. enclosing copies of 1) telegram to Palestine No 269 of June 6
2) " from " " 517 " 7
D) letter from Sir J. Shuckburgh, C.O. of June 10
E. Bagdad desp. No 279: 13 June

(Print.)

(How disposed of.)

(Copies sent to C.O., I.O., W.O. and A.H.S.)

The only thing that could prevent Palestine from being exploited by our enemies would be the immediate grant of Arab self government. All the various pictures we have made have cut no ice at all.*

It is obviously impossible to give any promise of self-government either now or immediately after the war. We shall, however, shortly be in a position to announce that the military courts will no longer be allowed to impose death sentences, and to that announcement we might tack on a statement to the effect that we intend to proceed with the White Paper policy of independence when conditions permit, and

* But we have not made any except the White Paper and that has left us [illegible]

on E 2063/220/93 May 28th.
dad. No 211. June 11.
o. July 3rd.
78 C.O. July 29

(Index.)
ed.)
19 27/4

Next Paper.
E 2096.

5424 5/31 F.O.P.

and recapitulate all that we have already done about immigration, land regulations, the release of detainees and the return of exiles.

That seems to be about as far as we can go to meet General Nuri — and it will not do the slightest good.

We might also pass on to the French Embassy General Nuri's remarks about Syria, but I do not suppose the French will be prepared to make any promises about future Syrian independence.

H. St J. Egerton
31/5

The Iraqis are clearly trying to exploit the occasion. We should not let ourselves be stampeded into making any further promises about Palestine. General Nuri might be told that, by stirring up this question again at this juncture, he is only playing into the hands of German propagandists (and Italians) and thereby undoing the good which his proposed action to check German and Russian activities (prohibited zones, etc.) might do. As an ally, Iraq must play our game for the duration of the war. The future of the lesser cause of Arab rights etc. depends upon the success of the greater cause for which we are fighting. It is not only disloyal, but likely to be fatal, to pursue the lesser cause at the risk of obstructing the greater. It is a fallacy to suppose that an "unambiguous pronouncement" as suggested would help anyone in any way. The White Paper is unambiguous enough. It would help far more in dealing with Fifth Column activities if General Nuri himself were to make an unambiguous pronouncement to the effect that Iraq has complete faith in British promises already given and in the ultimate success of the Allied cause.

A. V. Cowley Price
31st May

I fear the conditions attached to independence at the end of ten years will be very difficult to interpret. H.S. 3/6/40

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In its simplest terms the problem is this:

(a) So long as the pattern of the world remains more or less as we know it, Great Britain and France will ~~need~~ be obliged for various reasons, including oil and communications, to retain their present positions in the Arab countries, e.g., troops on the Suez Canal, an air base in Iraq, etc.

(b) In addition Great Britain will have a continuing obligation, even under the White Paper, to safeguard the Jewish National Home in Palestine.

(c) It is therefore an unescapable fact that Great Britain, France and the Jewish National Home together constitute a serious obstacle to complete Arab independence.

(d) At the same time thinking Arabs have hitherto recognised that Great Britain and France constitute the only effective guarantee for such independence as the Arabs already possess.

(e) Arab faith in this guarantee has, however, been seriously shaken by German military successes, and above all by the drive to the Channel ports. "Why" the Arabs must be saying to themselves "if Germany, with Italy at her side, is going to win the war anyhow, should we engage in a hopeless struggle for what are in that event not our interests, but the interests of Great Britain and France? Would we not do better to accept the inevitable and make the best terms we can with the conqueror?"

(f) Great Britain and France will not help themselves, therefore, by making further declarations about Palestine or Arab independence. Beyond an affirmation that the White Paper remains the policy of His Majesty's Government (if it does) there is no further declaration they could sincerely and honestly make, and if they did make one it would not really satisfy Arab aspirations. It might, on the contrary, merely ~~confuse~~ the Arabs in their sense of their own importance and of the present opportunity.

(g) The only way in which the two countries can help themselves effectively is to re-persuade the Arabs that they are going to win the war.

(h) The best method of achieving this object is to have actual military successes. The second best is propaganda about coming military successes.

(i) If this object is not achieved, events may occur which will oblige the Allies to use force to protect their interests. As their military resources in the Middle East are limited, this may create a dangerous situation.

But

But the danger is likely to be diminished rather than enhanced by a "firm line" i.e., by saying politely but firmly that Arab help is not essential to the Allied victory and that with or without it the Allies mean to protect their own interests in the Middle East.

(j) With all this, the Allies should be as conciliatory as possible over ordinary administration and diplomatic questions, and especially over executions in Palestine and the treatment of Palestinian exiles. In particular we should make all allowances for the difficulties of the Arab statesmen who are their friends. Attempts to make these friends force the pace where their countrymen are concerned may merely lead to the local trial of strength which it is in the interests of the Allies to postpone for as long as possible.

2. So much for the background. But it should be noted that although Sir Basil Newton's observations seem to refer to something more far-reaching, General Nuri's proposal may only be* (it is impossible to be sure till the letter arrives) that

(i) Great Britain should say that as soon as possible and anyhow as soon as the war is over she will take the first step up the White Paper constitutional ladder, i.e., the appointment of Palestinians ~~(the~~ (Arabs and Jews in proportion to their numbers) to be heads of certain departments, which is to take place when "peace and order are sufficiently restored".

(ii) France should say something on the same lines about the ratification of the treaty signed with Syria in 1936.

3. So far His Majesty's Government have not said that they will not take the first step up the ladder till the war is over. In fact they have said nothing about it. But the difficulties in the way are considerable, and it might lead to serious trouble with the Jews in Palestine if taken now. Moreover, they have a fairly good chance so long as the war continues and the attitude of Italy, in particular, makes "peace" a highly unpopular term.

4. Similarly the French Government have not, so far as I am aware, made any pronouncement about Syria since they finally refused to ratify the treaty. They have not said they will never ratify it. The question is merely adjourned till circumstances are more favourable for its consideration.

5. It is not, however, very profitable to discuss the possibilities under 3 and 4 until the question which dominates all others is first decided: is the White Paper still the policy of His Majesty's Government and can the Arabs be told so in reply to the present or any other enquiry?

6.

*. From a record of a conversation with the Prime Minister now received it seems that what he meant was that he would prefer a "clarification" of the White Paper, which would present the various safeguards and conditions on which eventual independence depends being used to hold up the grant of independence.

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6. I suppose the policy is still in force in the sense that it has not yet been formally set aside. But there ought to be no misapprehension as to what the Arabs will take an affirmative answer to mean. They will regard it as a promise not only that such of the White Paper provisions as ~~were~~ are already in force will remain in force for the time being, but also that those not yet in force (i.e., constitutional developments) will be put into force when circumstances permit, and that this state of affairs will persist for so long as the present Government or any Government of approximately the same composition remains in power in this country, and in a position to say what shall or shall not be done in Palestine. They will not take it to mean that the White Paper will be adhered to for the present, but that it will have to go into the melting pot at the Peace Conference. If that is in fact the position of His Majesty's Government it would be only right, though also rather dangerous, to tell the Arabs so now.

7. I therefore submit that it is of the greatest importance to decide this question as soon as possible, unless it can be taken for granted that, in spite of the known views of the Prime Minister and two other members of the War Cabinet, as well as of the Secretary of State for India, the Minister of Information and others, the fact that the same Parliament as voted on March 6th about the Land Transfers Regulations is sitting is a sufficient guarantee that the present Government will stick to the White Paper both during and after the war. Waking sleeping dogs is never a welcome task, least of all at a moment like this, but if this particular dog is not awakened now, he may awake at an almost equally inconvenient moment i.e., when the war is over and the Arabs are looking to us for the fulfilment of promises on the strength of which they stood by us during the war — an experience which we have gone through once before.

8. If this view is accepted it may be desirable to prepare a paper in conjunction with the Colonial Office. In the meantime, it is sufficient to recall that in the discussions which took place when Mr. Winston Churchill questioned the telegram to Lord Lothian at Christmas, the question was considered under the two aspects of "expediency" and "justice".

See FLAG S Arab

9. As regards expediency, things have moved even further in the last five months in the direction of consideration for Arab sentiment. It seems to be clearer than ever that for better or worse American opinion and policy towards the Allies is swayed by emotions far too powerful to be influenced one way or the other by Jewish propaganda. In addition Arab opinion has greatly deteriorated as a result of continuous German victories.

10.

Minutes.

10. As regards justice, either one starts from the Zionist premise that the Jews have a natural right to Palestine, or from the premise that they have not. If one starts from the first premise, all measures to put more and more Jews into Palestine are permissible, and even imperative. If on the contrary one sees nothing in history or religion to justify the Zionist premise, then, while one may regard the Balfour Declaration as a gallant attempt to satisfy the aspirations of a people which has had its full share of suffering, one cannot think it just to go on putting more and more Jews into Palestine now that the objections of the Arab inhabitants have been made increasingly manifest through twenty years. The difference is one of the emotions more than anything else and I do not feel at all optimistic about ever being able to persuade the members of the Government who disapprove of the White Paper that it is, what the last Government considered it to be, the fairest achievable compromise between Arab and Jewish demands.

L. Baggallay 3.6.40

R.W. Butler

This telegram has now been discussed by Mr. Baggallay & myself with Lord Lloyd. As a preliminary step C.O. will ascertain whether the Govt. of Palestine think that the appt. of Palestinian leaders of delegns. would in practice be feasible in time of war. We need not write to C.O. HWS 4/6.

I agree pro tem.
There are many indications that the Arabs are placing bets with the "new order" as long as Ibn Saud is alive and Iraq does not deteriorate, I have hope that our "care & caution" policy will prevail. I am not a believer in the Italians & imagine that the Iran & Middle East will be built up with the aid of the Ottoman Turks. RGB 5/6.

NOTHING TO BE WRITTEN IN THIS MARGIN.

As the result of a discussion between the Secretary of State and Lord Lloyd a draft memo for the Cabinet has now been prepared. L. Baggallay 7/6/40

~~238~~ 111

(Sir J. Shuckburgh's letter of June 10.)

D

The memorandum has now been fair copied with the amendments proposed by the Colonial Office embodied. I have told Mr. Downie that I do not think we have any strong feelings about the Parliamentary Question aspect.

The memorandum is being submitted with a separate explanatory minute.

(Initd.) L.B.
10th June, 1940.

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The Future of the White Paper Policy.

As a result of the meeting in the Secretary of State's room on June 6th, at which Lord Lloyd and Sir John Shuckburgh were present, a draft memorandum has been prepared in which Lord Lloyd has concurred, subject to certain minor amendments, which have been incorporated.

The following are some references:-

Flag A - W.P. (G) (39) 161, of 20th December 1939: the draft telegram to Lord Lothian about our Palestine policy generally.

Flag B - W.P. (G) (39) 163, of 25th December, 1939: Mr. Winston Churchill's memorandum.

Flag C - W.P. (G) (40) 4, of January, 1940. The S. of S's. counter-memorandum.

Flag D - F.O. telegram No. 252, of the 17th February, to H.M. Ambassador, Washington, giving him the outcome of the War Cabinet's discussions.

Flag E - F.O. telegram No. 96, of February 24th, to H.M. Ambassador, Cairo (also sent to Bagdad and Jedda) giving him certain instructions about the outcome of the War Cabinet's discussions.

The memorandum is, I think, self-explanatory. But, in a word, the problem is whether we can now tell Arab enquirers that the White Paper still holds the field, despite the recent changes in the Government. If the answer to this is affirmative, the question of how soon we carry out the constitutional parts of the White Paper policy is relatively of secondary importance.

It will be noted that paragraph 10 of the memorandum suggests that we should make a certain declaration to the Iraqi Minister for Foreign Affairs. As originally drafted, the memorandum suggested that this reply should be made to a question in Parliament, in accordance with a proposal made at the meeting. The Colonial Office think, however, that this would be unduly provocative, seeing that nothing has been said here to raise the whole question of our Palestine policy. At the same time, they realise that the Arabs must be left free to give what publicity they like to our answer to General Nuri and that this will probably mean that the matter will come to the ears of Zionists and lead, after all, to questions in Parliament. But they think that this would be much better than prompting a question in the first place.

On this point, I daresay the Colonial Office are right. But whether there is an eventual question in Parliament, or whether there is not, I venture to emphasise the following point:

If/

Minutes.

If we now say to the Arabs that we hold to the White Paper policy, or even if we merely let them continue to think this without saying anything in particular, they will interpret our attitude as meaning, not merely that we will go on carrying out the White Paper provisions while the war lasts, but that we will go on doing so after the war is ended. As was stated at the time of the January discussions, it is quite possible that the Middle East ~~would~~ will be so different after the war as ~~to make it necessary~~ to send the White Paper policy and all other pre-conceived ideas about Palestine by the board. But everyone recognises this, and the fact remains that if the present Government or a Government of more or less the same composition is in power at the end of the war and in a position to influence what happens in Palestine, it will have to go on carrying out the White Paper policy if the Arabs demand this, unless it says clearly now that it may have to think again when the war is ended. In other words, there is no half-way house between "Yes" and "No" in paragraph 9. We must not give the Arabs even a shadow of an excuse for saying that they supported us through two wars in return for promises which were not subsequently fulfilled.

J. Boggaley
10/6/40

N.W. Butler

I think we should give the reply suggested in para. 10 of the draft Cabinet Paper. It does not add anything to the undertakings given by Govt., merely indicates that we don't mean to go back on them. It may of course be impossible to carry them out, but we should not look too far ahead, I am sure.

[illegible]
10/6.

I think [illegible] "peace & order" as regards the work of the White Paper]

[illegible] 10/6

NOTHING TO BE WRITTEN IN THIS MARGIN.

Copy.

~~(E 2063/2063/93)~~.

E 2077

30 MAY 1940

~~210~~

LIMITED DISTRIBUTION.

Decypher. Sir B. Newton, (Baghdad).
25th May, 1940.

D. 7.50 p.m. 26th May, 1940.

R. 2.10 a.m. 27th May, 1940.

No. 190.

---oOo---

Minister for Foreign Affairs handed me a letter on 25th May dealing with the following two points:

~~3. First if the desire of Iraqi Government to proceed at once with the plan to declare certain districts on the Iran frontier protected areas (see my telegram No. 183) closed to foreigners in order to put a stop to propaganda and other harmful inf. undec.) which are being carried on by enemy agents.~~

5. In a letter and also verbally Nuri Pasha has explained that the Iraqi Government feel fully justified in taking this measure in view of the present situation and he states that Iranian Government have already established similar areas on their side of the frontier.

4. Iranian Government have however adopted an obstructive attitude towards this proposal and the Iraqi Government foreseeing that if it is carried out difficulties may arise between the two Governments desire to be informed of the views of His Majesty's Government.

5. The second is public feeling in Iraq concerning Palestine and the manner in which propaganda has been able to exploit that feeling. The conclusion is reached that as a complement to measures which are being taken by the Iraqi Government themselves to defeat enemy trickery, His Majesty's Government, and if possible the French Government as well, should issue a clear and unambiguous pronouncement guaranteeing immediately or at least at the end of the war, the execution of promises already given for organisation of self-government in these two countries.

/6.

21

6. Such a pronouncement it is stated would not only facilitate the Iraqi Government's task of combatting Fifth Column activities in Iraq but would also without doubt have a beneficial influence over the whole Middle East.

7. The translation of the letter will be sent by bag.

8. [redacted] discussed with me at the same time the possibility of obtaining Turkish co-operation against enemy action from the direction of Iran. His idea was first to take soundings and if the result was favourable to visit Angora to talk the matter over personally with the Turkish Minister for Foreign Affairs. I pointed out that in the Treaty of Mutual Assistance of 1939 between Turkey, France and Great Britain Turkey had expressly declined any obligation to go to war with Russia so that she could hardly be expected to approve of such an obligation on behalf of Iraq. Nuri Pasha thereupon explained that in the event of Italy entering the war against the Allies, Egypt, Iraq and Turkey, together with the intermediate countries, would constitute an Allied bloc within which there should be as much co-operation as possible. He would like to ascertain what was in the mind of the Turkish Government and thought that their support in Tehran would be of value in dealing with the threat of hostile action by the many Germans now in Iran. He believed, for example, that the Turkish enquiry reported in my telegram No. 181 had been intended [redacted]. Comment follows.

Repeated to Tehran telegram No. 26, Cairo telegram No. 65 for Middle East Intelligence Centre Angora telegram No. 2.

E2077/50/31 A

115

COPY
~~(E 2063/2063/93).~~

~~212~~

LIMITED DISTRIBUTION.

Decypher. Sir B. Newton, (Bagdad).

D. 7.40.p.m. May 26th, 1940.
R. 4.00.a.m. May 27th, 1940.
No.193. May 28th, 1940.

My telegram No.190.
Following is my comment on three points raised, divided into three parts:

Control over frontier with Iran seems important and urgent but may evidently precipitate trouble. Although nervous and anxious to ascertain whether they can get any help from Turkey, the Iraqi Government have not shown a disposition to invite British reinforcements. If, however, on general grounds His Majesty's Government think it desirable to send them, the present enquiry provides an opportunity to raise the matter.

Part 2.
The issues of Palestine and Syria were bound to be brought up at some stage and might have been put in a more embarrassing form.

For guidance in considering the present request I would say that primarily the future attitude of the Iraqis and probably other Arabs towards ourselves will be governed by their various fears e.g. Iraqi fears of Iran, Russia, Turkey, Germany and also of other Arab States. Subject to these over-riding fears their traditional and continuing instincts seem to be xenophobe and predatory, so that except as qualified by their need of our help, and belief in our strength, they will not cease to wish to

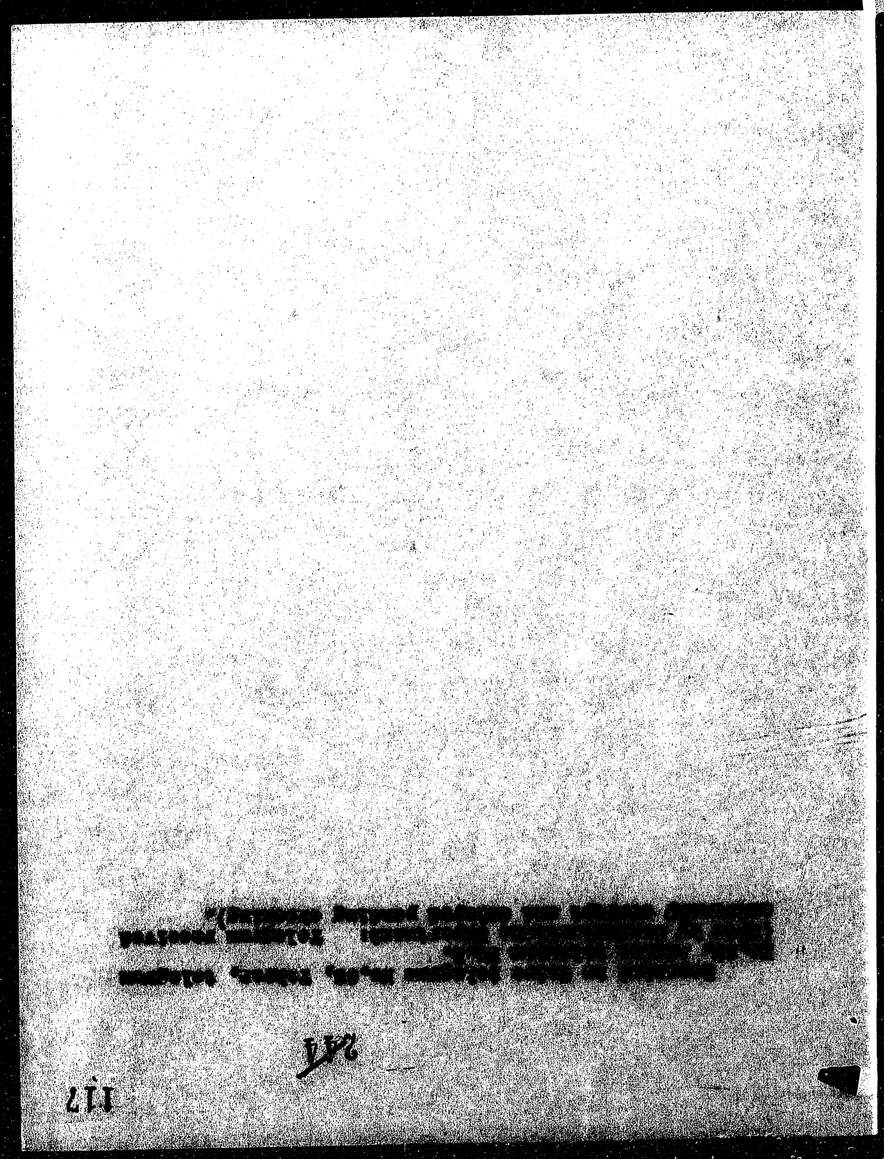
/exploit

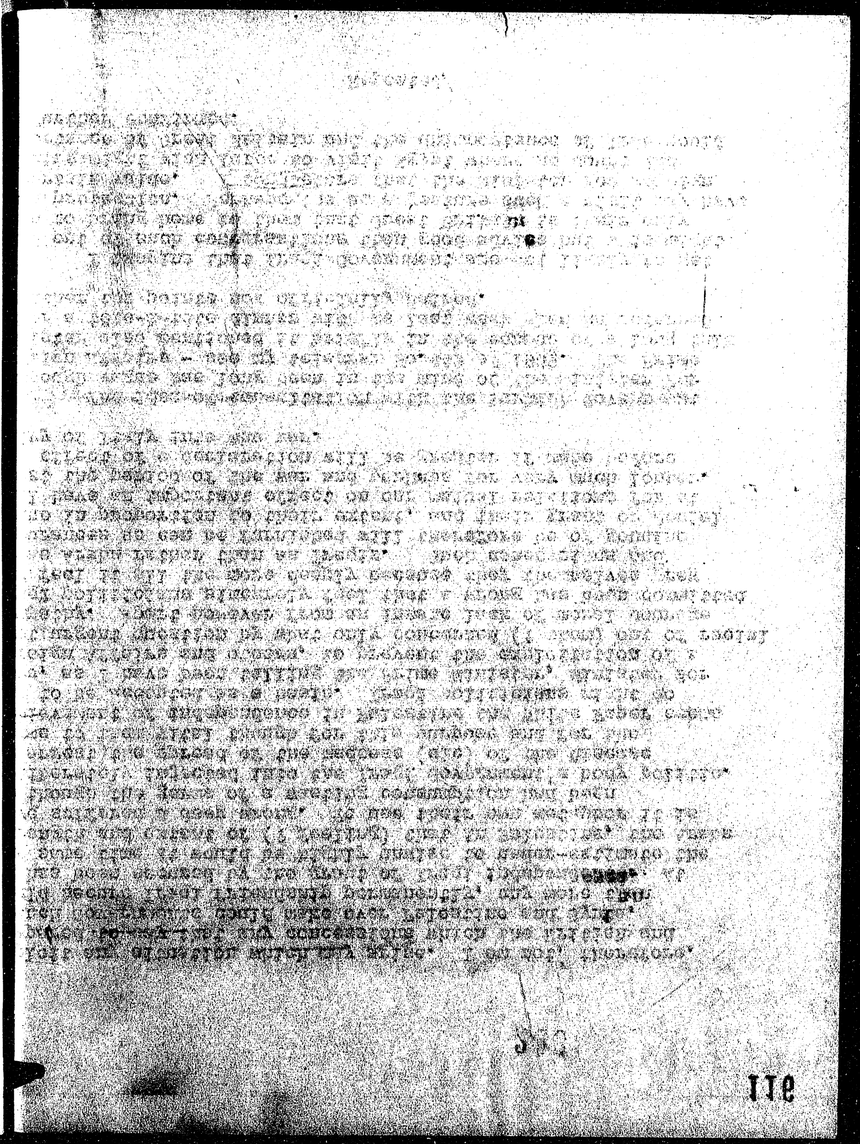
exploit any situation which may arise. I am not, therefore, prepared to say that any concessions which the British and French Governments could make over Palestine and Syria, would secure Iraqi friendship permanently, any more than it has been secured by the grant of Iraqi independence. At the same time it would be highly unwise to under-estimate the strength and extent of (? feeling) that in Palestine, the Arabs have suffered a deep wrong. To use their own metaphor it is as though the germs of a wasting consumption had been deliberately injected into the Iraqi Government's body politic. To arrest the spread of the madness (sic) of the disease seems to them vital though for this purpose and for the achievement of independence in Palestine the White Paper seems now to be accepted as a basis. Iraqi politicians might do more, as I have been telling the Prime Minister, Minister for Foreign Affairs and others, to prevent the exploitation of a most urgent question by what only concerned (? them) out of racial sympathy. Apart however from an innate lack of moral courage Iraqi politicians sincerely feel that a wrong has been committed and feel it all the more deeply because they themselves grew up as Arabs rather than as Iraqis. Such concessions and assurances as can be furnished will therefore be of genuine value in proportion to their extent, and their grant or denial will have an important effect on our mutual relations for at least the period of the war and perhaps for very much longer. The effect of a declaration will be greater if made before entry of Italy into the war.

~~Ref 3. The idea of consultation with the Turkish Government~~ although vague has long been in the mind of the Minister for Foreign Affairs - see my telegram No.449 of 1939. The Prime Minister also mentioned it briefly in the course of a long talk after a tête-à-tête dinner with me last week when he referred to other two points now officially raised.

I imagine that Iraqi Government are not likely to get more out of such conversations than good advice but this might help to bring home to them that Great Britain is their only real protection. Perhaps too as a gesture such a visit may have a certain value. I conjecture that the Minister for Foreign Affairs might wish later to visit Egypt where no doubt the importance of Great Britain and the unimportance of Iraq would be further confirmed.

Repeated/





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No:

245

FOREIGN OFFICE, S.W.1.

Draft.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Memorandum for the War Cabinet by the Secretary of State for Foreign Affairs

The accompanying memorandum deals with a question of great importance for our position in the Middle East about which the War Cabinet gave directions as recently as last February, but which I think it right to bring up once again in view of the ~~changes which have since occurred in the Government.~~ recent developments in the Middle East.

I hope I shall have the approval of my colleagues for the policy suggested therein, which has the support of the Secretary of State for the Colonies and which is, I am convinced, essential if serious dangers are to be avoided.

(Sd.) Halifax.

The Arab States and Palestine

In May, 1939, His Majesty's Government adopted a policy, now commonly called the "White Paper" policy, which they regarded as constituting the most just solution of the Palestine problem which was possible in the absence of direct agreement between the Arabs and the Jews. According to this policy, Jewish immigration was to be limited to 10,000 a year for five years, with the addition of 25,000 refugee immigrants; the sale of land by Arabs was to be regulated; and changes of a constitutional nature were to begin as soon as peace and order in Palestine were sufficiently restored, the object of these changes being the establishment of an independent Palestinian State at the end of ten years if various

Colonial Office (for information)

no further immigration to be permitted after this 5-year period unless the Arabs of Palestine are prepared to acquiesce;

conditions/

conditions designed to safeguard the Jewish National Home and British strategic interests were fulfilled.

2. Since then Jewish immigration has been controlled in accordance with the White Paper and regulations known as the Land Transfers Regulations have been enacted. But so far no constitutional developments have taken place. This is because His Majesty's Government have never yet felt that the moment had come when "peace and order" were "sufficiently restored". [~~It is, moreover, most unlikely that this~~ moment will ever arise while the present war continues~~, especially if Italy comes in.~~]

3. The question of continuing the White Paper policy was considered by the War Cabinet some months ago as the result of suggestions from ~~the~~ Zionist quarters that it ought to be suspended because of the war. [It will save a great deal of explanation in the present memorandum if reference is made to the following three Cabinet Papers which were circulated at that time: W.P.(G)(39)161 of the 20th December, 1939 (a draft telegram to His Majesty's Ambassador at Washington); W.P.(G)(39)163 of ~~January~~ 25 December, 1940 (a memorandum by the present Prime Minister) and W.P.(G)(40)4 of January, 1940 (a memorandum by the Secretary of State for Foreign Affairs).]

4. As ~~the~~ a result [~~of these discussions, the draft instructions to Lord Lothian contained in W.P. (G) (39) 161 were modified, and substituted~~ instructions] as to the line ~~we~~ he should take with the American Zionist leaders [~~were sent to him in a telegram (No. 252 of the 17th February)*~~ ~~which was approved by the War Cabinet.~~] This telegram/

*See Annex A.

omit [ ]

~~FLAG A~~

~~FLAG B~~

~~FLAG C~~

Telegraphic instructions were sent to Dr Lothian on Feb. 17, 1940.

~~FLAG D~~

NOTHING TO BE WRITTEN IN THIS MARGIN.

NOTHING TO BE WRITTEN IN THIS MARGIN.

~~246~~

telegram contained the following passage:

"For your own information, our reason for "this substitution (in earlier instructions) is that whilst we have "not withdrawn from the policy stated in the "White Paper we are anxious not to arouse "fresh controversies by a public reassertion "of our position which might be considered "provocative".

5. As a corollary to the instructions to Lord Lothian His Majesty's Representatives in the Arab States were told that while they should leave no enquirer in any doubt [~~but~~] that His Majesty's Government intended to proceed with ~~still meant to carry out~~ the White Paper policy, they should ~~not go out of their way to stress this fact, but should~~ so far as possible avoid references to the subject and leave the actions of His Majesty's Government to speak for themselves.

~~FLAG E~~

[This intention was, of course, frustrated by the action of Mr. Attlee in challenging a debate on the Land Transfers Regulations]

6. Hitherto this procedure has worked well enough, but recently the situation in the Middle East, and particularly in Iraq, has grown much worse as the result of constant German successes, culminating in the drive to the Channel ports. German and Italian propaganda has for a long time past been actively exploiting Arab sentiment about Syria and Palestine. German success has made this propaganda effective. What is more, it has made it matter, for the Arabs have lost confidence in the ability of the Allies to protect them and wish above all to be on the winning side.

[They have been saying, for instance, that Mr. Winston Churchill is a friend of the Jews and that the Arabs cannot therefore expect a fair deal]

7. It is against this background that an appeal which has now been received from General Nuri-as-Said, the Iraqi Minister for Foreign Affairs and one who may be regarded as sincerely deploring/

deploring the growing anti-British feeling, must be considered. He explains that the Iraqi Government are deeply concerned about public feeling in Iraq concerning Palestine and the manner in which propaganda has been able to exploit that feeling and goes on to say that "complement to the measures which are being taken "by the Iraqi Government themselves to defeat "enemy trickery, His Majesty's Government, and "if possible the French Government as well, "should issue a clear and unambiguous "pronouncement ~~guaranteeing~~ immediately, or at least "at the end of the war, the execution of "promises already given for the organisation of "self-government in Palestine and Syria."*

8. This presumably means that His Majesty's Government ought to repeat their intention of carrying out the White Paper, adding, as a point of detail, that even if they cannot take the first steps up the constitutional ladder while the war lasts, they will at any rate do so when the/

* The French and Syrian Governments signed a treaty in 1936 whereby Syria would receive independence on the model of Egypt and Iraq. The French Government have not yet ratified that treaty and regard the question of its ratification as indefinitely adjourned while the war lasts.

Although they doubtless mean to ratify the treaty one day, they would be most reluctant to make any pronouncement on the subject. Anything of the kind would in fact be a new ~~province~~ (see § 9 below). At the same time they ~~would~~ not mind what we say about Palestine. In fact they would ~~probably~~ be dismayed if they thought His Majesty's Government likely to abandon the White Paper.

(with Syria)

(now)

(economic)

NOTHING TO BE WRITTEN IN THIS MARGIN.

NOTHING TO BE WRITTEN IN THIS MARGIN.

the war ends. Or it may mean that we ought to give an assurance that the safeguards referred to in paragraph 1 above will not be used as an excuse to deny its independence to Palestine at the end of ten years. But whatever it may mean, I do not recommend, no matter what apparent grounds of expediency there may be, that we should make any new promise about Palestine to the Arabs, or for that matter to anyone else. Apart from anything else I do not think it would necessarily pay. It might merely encourage those Arabs who think they can use our present difficulties to secure further concessions.

9. But while I do not suggest that we should say more than that we mean to do what we have already said we would do, I am sure we cannot say less. It may seem absurd that the Arabs should constantly doubt whether His Majesty's Government mean to carry on with the White Paper policy, but the fact remains that they do, partly because the German wireless keeps telling them that His Majesty's Government have no intention of doing so. We are in effect asked, and we shall continue to be asked, whether the present Government mean to carry it out or not, and we must answer either "yes" or "no". To say "no" would probably be fatal, and would not only cause grave reactions throughout the Moslem world but would reopen the chapter of disorder in the Middle East which in large measure was closed by the White Paper policy.

10. I therefore recommend that in reply to General Nuri's enquiry ~~a question in Parliament asking whether His Majesty's Government have any statement to make about the White Paper,~~ the following answer should be given:

"yes/

"~~Yes, Sir.~~ "The policy of His Majesty's "Government for Palestine continues to be "that laid down in the White Paper of May, "1939. So far as the provisions of the "White Paper relating to immigration and "land sales are concerned, these ~~questions~~ matters "are already being regulated in accordance "with those provisions. So far as "constitutional development is concerned, "His Majesty's Government have not so far "been able to regard peace and order as "sufficiently restored for the first step to "be taken, that is to say, for Palestinians "to be appointed to take charge of some of "the departments of the administration. Nor "do they think it likely that this step can "be taken while the present war continues. "But they hope and expect that when the war "is ended conditions in Palestine will "quickly permit the various stages of "constitutional development to follow one "another on the lines which the White Paper lays "down."

11. In making this recommendation I do not overlook its probable effect on the Zionists. But so far as the merits of the question are concerned I believe that it will be kindest to the Zionists in the long run to tell them the truth finally and plainly now, for, as I said ~~in~~ when this problem was discussed in January, I do not think any Government of this country will in fact be able to do more for the Zionists than is done in the White Paper. So far as mere expediency is concerned, things have/

have changed since January. The Arab world is now in a dangerous state, while it is clear that the American attitude towards the war (which is the point on which stress was laid in the January discussions) is swayed for better or worse by arguments and emotions over which the Zionists cannot hope to exercise any but the smallest influence.

Annex A

(F.O. Tel No. 252 of Feb. 7: 1940 to Mr. Ambassador at Washington: First ~~part~~ 4 paras. only.)

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No. E 2077/50/31

OUT FILE

JUN 11 1940 A.M.

CYPHER ROOM F.O.

249 E 122

F. O.,

11th June 1940

Despatched 3.30 P. M.

Draft.

Sir B. Newton, Baghdad

Telegram.

No. 211

Cypher EAK

No Distribution

Important

Following from Sir H. Seymour:

Your Tel No. 193 Part 2 [of May 27: Arab sentiment about Palestine and Syria]

I am sorry it has not been possible to send you any instructions on this subject before outbreak of war with Italy, [but for reasons which you will appreciate any declaration at all about Palestine is a matter of some delicacy at present]. I cannot yet tell you how much you may be authorised to say, but at most it is only likely to be that H.M.G. adhere

/to

HJT. 10/6.

Private Secretary (plus one final para. only)

11.6

to White Paper policy and that if they cannot carry out first step in constitutional part of that policy during the war they will hope to do so as soon as possible afterwards. There can be no question of any new promise or declaration.

2. This is of course quite distinct from question of refugees and military courts. We shall shortly be giving you some quite good news about second point, which may have useful effect on first.

3. We realise that delay in Palestine reply and its probable from when it does come will not make your task much easier, [especially as position is now worse than ever regarding supply of arms and aircraft (including Lysanders)]. At same time, it is encouraging to note that your efforts seem now to be bearing fruit in increased willingness on part of Iraqi Govt. to try to smother anti-Allied propaganda and agitation.

/4.

4. Main object of this telegram is to say that all of us here recognise to the full how different is your part now that war is spreading to Middle East and how few are things we can do to smooth it. The Secretary of State wishes me to say that he has complete confidence in ability of yourself and your staff // as also of British advisers, military and civil, of Iraqi Govt, to uphold British interests in the difficult days which lie ahead.

Tos
11/6/40

Cypher telegram to Sir B. Newton (Bagdad)

Foreign Office, 11th June, 1940. 3.58 p.m.

No. 211.

vvvvvvv

IMPORTANT.

Following from Sir H. Seymour.

Your telegram No.193 Part 2 [of May 27th: Arab sentiment about Palestine and Syria].

I am sorry it has not been possible to send you any instructions on this subject before outbreak of war with Italy. I cannot yet tell you how much you may be authorised to say, but at most it is only likely to be that His Majesty's Government adhere to White Paper policy and that if they cannot carry out first step in constitutional part of that policy during the war they will hope to do so as soon as possible afterwards. There can be no question of any new promise or declaration.

2. This is of course quite distinct from question of refugees and military courts. We shall shortly be giving you some quite good news about second point, which may have useful effect on first.

3. We realise that delay in Palestine reply and its probable form when it does come will not make your task much easier. At same time, it is encouraging to note that your efforts seem now to be bearing fruit in increased willingness on part of Iraqi Government to try to smother anti-Allied propaganda and agitation.

4. Main object of this telegram is to say that all of us here recognise to the full how difficult is your path now that war is spreading to Middle East and how few are things we can do to smooth it. The Secretary of State wishes me to say that he has complete confidence in ability of yourself and your staff as also of British advisers military and civil of Iraqi Government to uphold British interests in the difficult days which lie ahead.

M.I.

INDEXED

E 2077/30/31 — 6 JUN 1940

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No. 236.

British Embassy,
Bagdad.
27th May, 1940.

My Lord,

With reference to my telegram No. 190 of 26th May, I have the honour to transmit to Your Lordship herewith a translation of the letter of the Minister for Foreign Affairs referred to therein and also a copy of a letter from the Adviser to the Ministry of the Interior in which he further explains the views of the Iraqi Government on the proposal that the British and French Governments should make a pronouncement on their policy concerning Palestine and Syria.

2. I am sending a copy of this despatch and its enclosures to His Majesty's Representatives at Cairo, Angora and Tehran, His Majesty's High Commissioner for Palestine and Transjordan at Jerusalem and to the Government of India.

I have the honour to be with the highest respect,

My Lord,

Your Lordship's most obedient,

humble Servant,

Basil Newton

A memorandum has now been prepared for the War Cabinet setting out the lines on which a reply might be given to general Nuri about Palestine.

Copies.

Mr. Edmonds is off the rails. But it is no use doing anything about it till the War Cabinet have decided where we are sticking to no white paper for the duration (the matter is now being pressed)

13/6

The Right Honourable

The Viscount Halifax,

K.G., G.C.S.I., G.C.I.E.,

etc., etc., etc.

No. 2144/2144/3.

Ministry of Foreign Affairs,
Bagdad, 25th May, 1940.

My dear Ambassador,

You are no doubt aware of the increasing anxiety with which the world, Iraq included, has been following the development of events since the German aggression on Holland and Belgium and subsequent happenings in Northern France.

2. Certain matters, which in the past were considered as being of little significance and no great account have now been revealed to the world as being of great importance in view of the serious consequences they have led to.

3. Foremost among these matters is the problem of the so-called fifth column. The finding of adequate measures for the suppression of fifth column activities has become a problem of defence that calls for carefull attention with a view to the strengthening and protection of the State. Such measures, while similar in their essential aspects, differ in their details having regard to the nature of the problems peculiar to each individual country.

4. When the Iraqi Government proceeded to think about adopting defensive measures of this kind, among the measures which appeared to them to be expedient was the prompt declaration of certain areas close to the Iraqi-Iranian frontier as Prohibited Military Zones.

5. Your Excellency will recall that I had, over two months ago, approached the Iranian Minister with a view to his notifying his Government that the Iraqi Government intend proclaiming certain areas in Iraq close to the frontier of the two States Prohibited Military Zones, entry into which will be forbidden to foreigners and other suspected persons, in order to enable them to control harmful

propaganda

propaganda activities being organised by enemy subjects resident in Iran, such as Germans and others, whose numbers have been increasing in recent months.

6. The Iraqi Government believe that it is within their right to adopt such measures on their frontiers, these being necessary in such critical circumstances as the present, especially as the Iranian Government have already declared similar zones along the Iraqi frontier entry into which is forbidden to foreigners. As the Iranian Minister in Bagdad and the Iranian Government have unfortunately adopted a policy of evasion and elusiveness, insistence by the Iraqi Government on the adoption of the measures in question may lead to difficulties between the two neighbour States, I shall accordingly be glad to be acquainted with the views of the British Foreign Office in this connexion.

7. If we carefully scrutinise the nature of the open German propaganda in the Arab and Moslem worlds, we shall find that it is based essentially on two problems, those of Palestine and Syria. The people of Iraq are naturally impressed by this propaganda. They demonstrated their feelings on these two problems long before the establishment of the German Arabic broadcasting service, having done so as far back as fifteen years ago when the British authorities were themselves responsible for the administration of Iraq.

8. Articles on Palestine and Syria published in the press, contributions raised on numerous occasions for the relief of sufferers in these two countries, and the grave incidents which took place in Bagdad on the occasion of the visit of Lord Melchet (Sir Alfred Mond), are still fresh in the memory.

9. Feelings of sympathy with the causes of these two countries had so increased in intensity in the Orient, more particularly during the last two years, that the British Government were induced, with a view to alleviating ~~of~~

these

these feelings in regard to Palestine, to act in co-operation with the Arab Governments, of such countries as Egypt, Saudi Arabia, Yemen and Iraq. In this way the British Government reached certain essential and important conclusions. Owing to certain trifling causes not affecting the essentials of the matter, agreement was not openly reached on the final policy but that policy may be summarised as aiming at two fundamental objects :-

Firstly.

The limitation of Jewish emmigration.

Secondly.

The creation of a local Palestinian Government gradually to take over responsibility for the admininstration of the country. The time at which such government is to assume final responsibility was not fixed but left to be determined having regard to the progress of affairs and circumstances. This fact gave rise to doubts as to the practical realisation of the scheme.

10. The measures being adopted in Iraq to deal with foreign intrigue undertaken by enemy agents and certain debased Iraqi nationals, the like of which are to be found in countries more advanced than Iraq, cannot be made completely effective unless :-

(a) The Iraqi Government establish full control over the Iraqi-Iranian frontier, in order to watch the movements of individuals travelling by various means.

(b) The British Government, and if possible also the French Government, reveal their intention of issuing a clear statement couched in unmistakeable terms to the effect that the self-government promised by them to those two countries will be realised immediately or at least not later than after the war.

The usefulness of such a statement will not be confined to facilitating the task of the Government of Iraq in combatting

fifth

fifth column activities and enemy propaganda. It will also we believe, make a wholesome impression in the Middle East and throughout the world, as being in line with a policy already determined, the execution of which was put off only on account of the outbreak of war; while that policy itself is in complete and perfect accord with the recent repeated declarations of the Allies that they stand for the rights of weak peoples and the domination of the spirit of justice over that of savage ambition seeking to crush the world and place it in bondage.

11. Both as Foreign Minister and as an Iraqi Arab who most zealously stands for the high objects for which in the last Great War he fought on the side of the Allies under the Arab flag, I consider it my duty most earnestly to urge the necessity for the publication of such statement before the war has extended further and undergone an adverse course such as might render of little advantage the publication of the desired statement, for by then circumstances will deprive such statement of much of its value and lay open to doubt the good nature of the intentions underlying it.

Please accept the expression of my highest respect,

Yours sincerely,

(SIGNED) NURI AL SAID.

His Excellency

Sir Basil Newton, K.C.M.G.,

His Britannic Majesty's Ambassador
Extraordinary and Plenipotentiary,

BAGDAD.

ENCLOSURE II IN BAGDAD DESPATCH. 130
No. 236 OF 27.5.40

MINISTRY OF THE INTERIOR.

~~237~~ 25th May, 1940.

My dear Ambassador,

E2022/2022/93 B

In My letter of May 12th I gave you an account of my conversation with the Prime Minister of May 9th, and the rather extravagant arguments with which he sought to reinforce his plea for a new declaration regarding Palestine.

2. On May 14th he told me about your interview with him on the previous day and the measures he had taken to induce the press to modify its hostile tone to the Allies. He continued however to express himself sceptically about the use of repression while a grievance continued to rankle.

3. The invasion of Holland and Belgium on May 10th gave rise to all kinds of wild rumours in the town reflecting a definite Schadenfreude among the public. The news of the break-through in France and the serious situation confronting the Allied armies does not appear to have exacerbated sentiment; on the contrary the atmosphere is markedly less tense than it was ten days ago. This sobering of the public mind is due partly to the realization that Iraqis themselves are no longer as safe as they thought they were behind the fence of Allied invincibility, but also in part to the vigorous action taken by the Prime Minister himself, as Minister of the Interior. From May 9th onwards police precautions in the capital have been progressively strengthened; orders have been given that no demonstrations of any kind are to be allowed in any part of the country; an Ordinance has been drafted simplifying the procedure involved in applying the already wide powers possessed by Government under articles 77 to 90 of the Bagdad Criminal Procedure Regulations; Rashid Ali Beg has summoned meetings of newspaper editors; lawyers, politically-minded shaikhs, and addressed them on the true interests of Iraq; Taha Pasha has similarly

addressed/

addressed army officers; Italians are being carefully watched and the police have orders to round them up immediately if Italy enters the war. Voices raised about Palestine have been silenced by the assurance that the Government is not relaxing its efforts on behalf of that distressful country, and indeed hopes that the result of these efforts will become evident in the near future.

4. The Prime Minister's attitude is thus that described in the earlier part of paragraph 4 of my letter of May 12th; he no longer persists in the more extravagant pose, described in the middle of the paragraph, that without some previous satisfaction regarding Palestine it would be difficult to get Iraq to play at all.

5. On May 23rd Nuri Pasha told me that he was about to address to you a personal letter on three important matters; the third of these was Palestine. (I am writing to you separately about the other two).

6. He started by emphasising that the recent phase of the Palestine agitation should not be interpreted as an effort to take advantage of the preoccupation of Great Britain. He recalled, as evidence of the strong feelings always entertained in Iraq against the Zionist policy, the violent riots that accompanied the demonstration against Sir Alfred Mond when he visited Bagdad many years ago; at that time Sir Henry Dobbs was riding the Iraqi Government on the curb and Colonel Prescott was in effective control of the Police.

7. Nuri Pasha then went on to plead for an early declaration of the kind already mentioned by Rashid Ali Beg, a promise, unencumbered as far as possible by conditions, that His Majesty's Government will definitely make a start with implementing the White Paper policy at the end of the war, in the same way that the promises to Iraq were implemented. To have its maximum effect he thinks that the declaration should be made <u>before</u> Italy enters the war; its effect would of course be good even if

made/

made after the entry of Italy, but there would be more tendency to attribute it to weakness. (In this connexion he mentioned that the moment for the announcement of the pardons etc. now under consideration should be carefully chosen; it would have had more effect, for instance, a month ago than today when Allied fortunes seem to be at a low ebb). It would be ideal if the French could be induced to make a parallel declaration about Syria at the same time.

8. In conclusion I venture to express a personal opinion, and to start by quoting the following extract from a letter which I wrote to Sir Archibald Clark Kerr in November 1937 regarding reactions in Iraq to the various phases of the Palestine trouble:

> "The Government of the day may have been a little more or a little less wicked than the average in encouraging or damping public agitation; but the essential fact remains that every Arab and most Muslims, including all our best friends, genuinely believe that His Majesty's Government are doing the Arabs of Palestine a grave injustice. I think that Tewfiq Suwaidi accurately summed up the attitude of many in his speech to the League Assembly when he said: 'For seventeen years a grievous wrong has been done to our kinsmen, the people of Palestine ..... No representative of Iraq could stand on this platform at such a time without finding himself a prey to conflicting emotions. The British people have a long tradition of friendship with, and sympathy for, the Arabs ..... Iraq in particular is bound to Great Britain by ties of obligation and gratitude, having their outward expression in a treaty of alliance. But in this matter of Palestine we shall continue to raise our voices in protest against the policy of which Great Britain is unfortunately the principal agent; we shall not abate our efforts to secure justice for our brethren'."

9. I believe that the time is now ripe for a declaration marking an advance towards the ultimate goal laid down in the White Paper. As I mentioned at the beginning of this letter, public men in this country have been sobered by recent events to a more realistic appreciation of facts. If the terms of the new announcement could be agreed on in advance with the leaders here and in Egypt, a wave of enthusiasm in favour of the Allies might follow. The idea is not as fantastic as it may sound at first. The ambition of nearly all active politicians is to be

acclaimed/

acclaimed as liberators of Palestine; if the advance were tangible they would have every inducement to encourage the wave of enthusiasm since it would enhance their own prestige.

10. The important thing is that policy regarding Palestine should not be determined primarily by considerations affecting the parish of Palestine itself. We have many precedents for liberal declarations or modifications of policy dictated by the exigencies of war or grave political situations: the promises to Sharif Husain, the proclamations issued on the occupation of Basra and Bagdad, the Anglo-French Declaration of November 1918, and (closest precedent of all) the Declaration of September 1929 which scrapped the 25-year mandate and conveyed the promise, shorn of the last conditions and reservations, that Iraq would be completely emancipated in 1932, spring at once to mind of one whose service has been in Iraq; there were of course others in Syria and Palestine. The constitutional development of India, too, would furnish many parallels. The present critical juncture of the war seems to justify a radical re-survey of policy in the Arab world.

Yours sincerely,

(signed) C.H.EDMONDS

75872/35/40.

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 6 p.m. 6th June, 1940

.....

IMMEDIATE
No. 459 Secret.

20/31

Your despatch of 31st December Secret. Constitutional proposals of White Paper. His Majesty's Representative in Baghdad has received a letter from Iraqi Foreign Minister dealing with difficulties of internal situation and suggesting remedies. In this letter Nuri draws attention to the strength of public feeling in Iraq on the question of Palestine which gives a handle to enemy propaganda, and he has requested that His Majesty's Government and if possible the French Government should issue a clear and unambiguous pronouncement guaranteeing either immediately or at least at the end of the war execution of promises already given for the organization of self-government in Palestine and Syria. He suggests that such a pronouncement would not only facilitate the measures which the Iraq Government is taking to combat "Fifth Column" activities but would have a beneficial influence on the whole of the Middle East.

2. I realize that we shall have to contend with bitter Jewish criticism if we embark on the first stage of constitutional development contemplated in the W hite Paper and that no Jew is likely to accept nomination as a head of Department. Appointment of even two or three Palestinian heads of Departments though this will leave your own powers of control unimpaired, will be magnified by the Jews into a revolutionary constitutional change and they will be able to make out a plausible case against taking step of this kind under war conditions. At the same time the situation in the Middle East and more particularly in Iraq is a cause of grave anxiety here, and while it may be too much to hope that appointment of Palestinian heads of Departments will win wholehearted support of Iraq for Allies, I feel that it is vitally important at the present juncture that we should keep ourselves clear of any charge of evading the pledges contained in the White Paper.

3. I shall be glad if you will inform me whether you see any ground to modify the views expressed in paragraph 9 of your despatch under reference and whether, if it were thought desirable on grounds of general Middle Eastern policy to proceed with appointment of Palestinian heads of Departments, you would regard such a step as practicable under war conditions.

4. If this step is not thought practicable and it is felt that its postponement can be justified to Arab world, it may be difficult to reject Nuri's alternative request for a definite assurance by His Majesty's Government that the promise of constitutional advancement held out in the White Paper will be implemented as soon as the war is over. A pronouncement of this kind would no doubt also incur Jewish criticism but with less plausibility. I shall be glad to have your views on this suggestion also.

5. Please furnish your views by telegraph as early as possible.

262

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Dated 7th June, 1940 Received 2.14 p.m. 7th June, 1940

.....

IMMEDIATE

No. 517 Secret.

Your telegram 459. So far as concerns Palestine itself I see no grounds to modify views in paragraph 9 of my despatch of 31st December. On the other hand the present drive for constitutional advance is pan-Arabic rather than Palestinian and I realize that it must be viewed from that standpoint, balancing the effect of appointing a few Arab heads of departments (unquestionably ?against) violent opposition which itwill arouse throughout world Jewry. I agree regarding the vital importance of avoiding charge of evading White Paper pledges.

2. Rebels are replying to other specific questions in your paragraphs 3 and 4.

(a) I cannot say that it would not be practicable to proceed with the appointment of say two Arab heads of Departments, but it would certainly not be practicable to steer the Jews because they would refuse. It seems however desirable to avoid such action if possible in view of reactions throughout Jewry. Local reactions will also no doubt be considerable. If I thought there was any chance of Jews ultimately being induced to accept the White Paper policy I should add that the appointment of Arab heads of departments would destroy it.

(b) I feel that postponement of constitutional proposals can well be justified in time of war and uncertainty. Their background as envisaged was a new order of things built up on a basis of peace and good-will and both are lacking. I note too that in paragraph 10(b) of his letter to the Ambassador at Baghdad to which candidate refers to Nuri speaks of self government being realized "immediately or at least not later than the end of the war"

(c) Regarding difficulty of rejecting alternative request for a definite assurance that promise (will be?) implemented as soon as war is over. The Jews will bitterly oppose this because their line is to demand that White Paper be put into cold storage for a period of the war and the policy be reconsidered (as distinct from implemented) at the end of the war.

(If ?) His Majesty's Government in fact contemplates such reconsideration it seems to me (a) very difficult to decline to promise implemention.

Keep with pp.

Printed for the War Cabinet. June 1940.

SECRET.

~~263~~

Copy No. 82

W.P. (G.) (40) 149.

June 12, 1940.

TO BE KEPT UNDER LOCK AND KEY.

It is requested that special care may be taken to ensure the secrecy of this document.

WAR CABINET.

THE ARAB STATES AND PALESTINE.

Memorandum by the Secretary of State for Foreign Affairs.

THE accompanying memorandum deals with a question of great importance for our position in the Middle East, about which the War Cabinet gave directions as recently as last February, but which I think it right to bring up once again in view of the recent developments in the Middle East.

I hope I shall have the approval of my colleagues for the policy suggested therein, which has the support of the Secretary of State for the Colonies and which is, I am convinced, essential if serious dangers are to be avoided.

H.

Foreign Office, June 12, 1940.

MEMORANDUM.

IN May 1939 His Majesty's Government adopted a policy, now commonly called the "White Paper" policy, which they regarded as constituting the best practical solution of the Palestine problem which was possible in the absence of direct agreement between the Arabs and the Jews. According to this policy, Jewish immigration was to be limited to 10,000 a year for five years, with the addition of 25,000 refugee immigrants; no further immigration to be permitted after the five-year period unless the Arabs of Palestine were prepared to acquiesce: the sale of land by Arabs was to be regulated: and changes of a constitutional nature were to begin as soon as peace and order in Palestine were sufficiently restored. The object of these changes was the establishment of an independent Palestine State at the end of ten years if various conditions designed to safeguard the Jewish National Home and British strategic interests were fulfilled.

2. Since then Jewish immigration has been controlled in accordance with the White Paper, and regulations known as the Land Transfers Regulations have been enacted. But so far no constitutional developments have taken place. This is because His Majesty's Government have never yet felt that the moment had come when "peace and order" were "sufficiently restored."

3. The question of continuing the White Paper policy was considered by the War Cabinet some months ago as the result of suggestions from Zionist quarters that it ought to be suspected because of the war.

4. As a result telegraphic instructions were sent to Lord Lothian on the 17th February, 1940,(1) as to the line he should take with the American Zionist leaders. This telegram contained the following passage:—

"For your own information, our reason for this substitution (for earlier instructions) is that whilst we have not withdrawn from the policy stated in the White Paper, we are anxious not to arouse fresh controversies by a public reassertion of our position which might be considered provocative."

5. As a corollary to the instructions to Lord Lothian, His Majesty's representatives in the Arab States were told that while they should leave no enquirer in any doubt that His Majesty's Government intended to proceed with the White Paper policy, they should so far as possible avoid references to this subject and leave the actions of His Majesty's Government to speak for themselves.

6. Hitherto this procedure has worked well enough, but recently the situation in the Middle East, and particularly in Iraq, has grown much worse as the result of constant German successes, culminating in the drive to the Channel ports. German and Italian propaganda has for a long time past been actively exploiting Arab sentiment about Syria and Palestine. German success has made this propaganda effective. What is more, it has made it matter, for the Arabs have largely lost confidence in the ability of the Allies to protect them and wish above all to be on the winning side.

7. It is against this background that an appeal which has now been received from General Nuri-as-Said, the Iraqi Minister for Foreign Affairs and one who may be regarded as sincerely deploring the growing anti-British feeling, must be considered. He explains that the Iraqi Government are deeply concerned about public feeling in Iraq concerning Palestine and the manner in which propaganda has been able to exploit that feeling, and goes on—

"as a complement to the measures which are being taken by the Iraqi Government themselves to defeat enemy trickery, His Majesty's Government, and, if possible, the French Government as well, should issue a clear and unambiguous pronouncement guaranteeing immediately, or at least at the end of the war, the execution of promises already given for the organisation of self-government in Palestine and Syria."(2)

8. This presumably means that His Majesty's Government ought to repeat their intention of carrying out the White Paper, adding, as a point of detail, that even if they cannot take the first steps up the constitutional ladder while the war lasts, they will, at any rate, do so when the war ends. Or it may mean that we ought to give an assurance that the safeguards referred to in paragraph 1 above will not be used as an excuse to deny its independence to Palestine at the end of ten years. But whatever it may mean, I do not recommend, no matter what apparent grounds of expediency there may be, that we should make any *new* promise about Palestine to the Arabs, or for that matter to anyone else. Apart from anything else I do not think it would necessarily pay. It might merely encourage those Arabs who think they can use our present difficulties to secure further concessions.

9. But while I do not suggest that we should say more than that we mean to do what we have already said we would do, I am sure we cannot say less. It may seem absurd that the Arabs should constantly doubt whether His Majesty's Government mean to carry on with the White Paper policy, but the fact remains that they do, partly because the German wireless keeps telling them that His Majesty's Government have no intention of doing so. We are in effect asked, and we shall continue to be asked, whether the present Government mean to carry

(1) See Annex.

(2) The French and Syrian Governments signed a treaty in 1936 whereby Syria would receive independence on the model of Egypt and Iraq. The French Government have not yet ratified that treaty, and regard the question of its ratification as indefinitely adjourned while the war lasts. Although they doubtless mean to ratify the treaty one day, they would be most reluctant to make any pronouncement on the subject now. Anything of the kind would be a new promise (see paragraph 8). At the same time they will not mind what we say about Palestine. In fact they would be dismayed if they thought His Majesty's Government likely to abandon the White Paper.

it out or not, and we must answer either "Yes" or "No." To say "No" would probably be fatal, and would not only cause grave reactions throughout the Moslem world, but also reopen the chapter of disorder in the Middle East which in large measure was closed by the White Paper policy.

10. I therefore recommend that in reply to General Nuri's enquiry the following answer should be given:—

"The policy of His Majesty's Government for Palestine continues to be that laid down in the White Paper of May 1939. So far as the provisions of the White Paper relating to immigration and land sales are concerned, these matters are already being regulated in accordance with those provisions. So far as constitutional development is concerned, His Majesty's Government have not so far been able to regard peace and order as sufficiently restored for the first step to be taken, that is to say, for Palestinians to be appointed to take charge of some of the departments of the Administration. Nor do they think it likely that this step can be taken while the present war continues. But they hope and expect that when the war is ended conditions in Palestine will quickly permit the various stages of constitutional development to follow one another on the lines which the White Paper lays down."

11. In making this recommendation I do not overlook its probable effect on the Zionists. But so far as the merits of the question are concerned I believe that it will be kindest to the Zionists in the long run to tell them the truth finally and plainly now, for, as I said when this problem was discussed in January, I do not think any Government of this country will, in fact, be able to do more for the Zionists than is done in the White Paper. So far as mere expediency is concerned, things have changed since January. The Arab world is now in a dangerous state, while it is clear that the American attitude towards the war (which is the point on which stress was laid in the January discussions) is swayed for better or worse by arguments and emotions over which the Zionists cannot hope to exercise any but the smallest influence.

H.

June 12, 1940.

ANNEX.

Viscount Halifax to the Marquess of Lothian (Washington).

(No. 252.)
(Telegraphic.) Extract. *Foreign Office, February* 17, 1940.

MY telegram No. 16 [of 4th January: Palestine].

His Majesty's Government have now decided to authorise the High Commissioner for Palestine to issue regulations controlling sales of land by Arabs to non-Arabs as contemplated in white paper of May 1939. In my immediately following telegram I am communicating to you an outline of these regulations. Following paragraphs of this telegram contain material for your use in explaining situation to Dr. Brandeis and his friends, if you think this desirable. It seems to us that courtesy may require this explanation in view of the terms of their telegram of 15th November, but you may think it unnecessary and undesirable to make such an approach to them. This material will, in any case, enable you to deal with any other Jewish representations. It should be substituted for observations contained in my suspended telegram No. 943, of which no public use should be made. For your own information, our reason for this substitution is that, whilst we have not withdrawn from the policy stated in the white paper, we are anxious not to arouse fresh controversies by a public reassertion of our position which might be considered provocative. You should not, in any event, give following information to Dr. Brandeis or others until day before the Land Regulations are being published in Palestine. and then only for

their confidential information, and not for publication. If Dr. Weizmann is in or near Washington, I should be grateful if you could convey same to him confidentially. I will let you know as soon as possible date of publication of Land Regulations, which will be in near future.

2. It is generally recognised that the outbreak of war has projected into international affairs new considerations of paramount importance. In the opinion of His Majesty's Government, the fate of civilisation hangs on the issue of the war, and the German treatment of Jews shows conclusively that a happier future for world Jewry depends on the victory of the Allies.

3. Recognition by the people of Palestine of these tremendous issues and of the fact that Jews and Arabs have a common interest in the defeat of Nazi Germany has brought about a cessation of strife and new disposition to co-operate in that country. His Majesty's Government are anxious not to disturb this state of affairs, and they would have preferred it, if it had been possible, to postpone for the duration of the war any action in Palestine which might tend to revive political controversy.

4. But the land situation presents a special problem of exceptional difficulty and urgency. The *status quo* is not being maintained, for sales of land are still proceeding without regulation, and, as will be shown, the situation is being continuously altered in a way which is likely to present His Majesty's Government before long with a state of affairs calculated to prejudice gravely prospects of agreement between Jews and Arabs.

* * * * * *

M. I. 9d w/y

E 2771/50/31 Cmd 138

D

Foreign Office

Downing Street, S.W.1

264

SECRET.

10th June, 1940.

My dear Baggallay,

Constitutional Changes in Palestine.

I return the draft memorandum which you left with me on the 7th. We have a few amendments to suggest and these are shown in red ink. If they do not commend themselves to the Foreign Office, we can discuss. I should mention that the addition at the end of paragraph 9 was inserted by Lord Lloyd himself.

As regards paragraph 10, we feel very doubtful about the suggested procedure. The question has arisen in the ordinary diplomatic channel out of a request from the Government of Iraq, and we should have thought it better merely to send a reply to Nuri Pasha through the Ambassador (sending copies to our Representatives in Egypt and Saudi-Arabia), and to leave the Arab States to give it any publicity they think desirable. The Jews will hear of it soon enough, and we feel that a statement in the House of Commons, the need for which would not be obvious, would be unnecessarily provocative. A reply in the House of Commons will, of course, be necessary if the Jews, on hearing the news, instigate a question, but that is another matter.

I take this opportunity of enclosing a telegram (No. 517) from the High Commissioner. You will see that his conclusion is that it is very difficult to decline to promise implementation at the

(Not received)

H. L. Baggallay, Esq.

mp 29/7

the end of the war of the constitutional provisions of the White Paper. We shall have to let Sir Harold MacMichael have in advance the text of any statement that it may be decided to send to the Iraqis.

Yours sincerely

J. E. Shuckburgh

M. I. 001 21/7

No. 279
(410/58/40)

~~255~~

INDEXED

E2077/50/31

28 JUN 1940

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E

HIS Majesty's Ambassador at Bagdad presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit to him the under-mentioned documents.

British Embassy,
Bagdad,

13th June, 19 40.

Reference to previous correspondence :

Description of Enclosure.

Name and Date.	Subject.
Minute by Sir Basil Newton dated 11th June, 1940.	Articles in local press concerning Palestine.

Copy C.O.

H. V. Crawley-Price
1st July

1/7/40

3479 18315 (4)

2/7

ENCLOSURE IN BAGDAD DESPATCH
NO. 279 DATED 13th JUNE 1940 ~~286~~

Minute by the Ambassador on a Conversation with the Minister for Foreign Affairs

I mentioned to the Minister for Foreign Affairs this morning that I had seen several articles in the local press lately which suggested that the Iraqi Government was engaged in discussions with His Majesty's Government concerning Palestine from which important results could be expected. I said that I was afraid such articles, which might or might not have been officially inspired, were likely to raise false hopes and in the end to cause disappointment and thereby discontent. I had, I said, communicated to His Majesty's Government the Minister for Foreign Affairs' letter containing a suggestion that His Majesty's Government and the French Government should make a declaration of policy about Palestine and Syria but I feared that the difficulties which developed from the MacMahon letters, to which he had previously referred as a precedent in conversation with me, would be more likely to deter His Majesty's Government from making any such declaration. I had not yet received any comments from the Foreign Office but I thought it well to warn the Minister for Foreign Affairs against either hoping himself for too much or allowing public expectations to go too far. If a declaration could be made the good effect might only have been spoiled by excessive hopes, and if it could not be made, the disappointment would be greater.

(intd.) B.C.N.

11th June, 1940.

E

1940

PALESTINE & TRANSJORDAN.

E 2096

5 JUN 1940

Registry Number } E 2096/50/31

FROM Mr. Luke, Colonial Office, to Mr. Baggallay.

No. 75986/2/40

Dated 30th May, 1940

Received in Registry } 5th June, 1940

E: Palestine and Transjordan

Palestinian refugees; trial by military courts; representation of neighbouring Arab states.

Refers to interdepartmental meeting at Colonial Office on 28th May (E 1974/50/31 "E").

Encloses draft telegram to Palestine for Foreign Office concurrence.

(Similar letter sent to Major Mackenzie, War Office).

Last Paper.

E 2077

References.

(Minutes.)

A) W.O. letter M.1.2/6388 of May 31 enclosing copy of Maj. Mackenzie's reply M.1.2./252.
B) Mr. Luke's letter 75986/2/40 of June 10 enclosing copy of
C) Palestine tel. no 522. of June 7th.
D) Baghdad tel. no 240. of June 9th.
E) Mr. Luke's letter 75986/2/40 of June 10 enclosing copies of Palestine tels. nos. 447 & 489 of June 3 & 4, & Palestine tel. no 530 of June 7
F) Telegram to Palestine no. 477 of June 12
G) C.O. letter 75986/2/40 of June 16 enclosing copy of Palestine telegram no. 530 of June 18
H) Mr. Luke's letter of June 13 enclosing copy of Palestine telegrams nos. 542 & 544 of June 14

See minute sheet marked + initials and letter to Mr. Lyttelton of June 6

(Print.)

A) See initials on paper

B) To be considered in conjunction with C.O. and W.O. The C.O. will be asked to confirm for printing: Dang lines, but original to be sent to Foreign Office. Submitted for Lt. The 59 sh. send to C.O. copy of the telegram. JO. 11.6.40 See C.

(How disposed of.)

Mr. Luke, C.O.
Mr. Baggallay
Minute.

C) We have already told the High Commissioner that we accept his views regarding the objections to an amnesty, and we cannot re-open the question now.

Copy C.O.
W.O.

No, but see the letter to Mr. Luke of June 6. JO. 11.6.40

11/6

Ho.) Egyptian Ambassador
Saudi Minister.
from Mr Butler. June 14
S.C.O.
W.O. June 14th
) Baghdad. no 220.
Cairo. no 464.
Jedda. no 69.
d. Jerusalem. no 493.
Beirut (for Damascus) no 15.

D) See minute on back of paper.

Drafts to the Egyptian Ambassador and the Saudi Arabian Minister, and off. tel. to Baghdad, Cairo and Jedda submitted herewith.

11/6

Action Completed.) 7/9

Fol. (Index.) 4/9

OVER

Next Paper.

The necessary drafts have now been agreed with the Colonial Office and I submit them herewith. They are:-

(a)/

(a) draft letters to be sent by Mr. Butler to the Egyptian Ambassador and the Saudi Arabian Minister (but not the Iraqi Chargé d'Affaires), explaining what is being done about the military courts, but not enlarging upon other matters;

(b) a telegram to our representatives in Bagdad, Cairo, and Jedda, telling them what is being said to the two representatives in London and adding, for their own information, something about death sentences and the revision now proposed of the list of persons whom the High Commissioner does not want back in Palestine, i.e. the so-called "eighty six".

As regards the death sentences, the Colonial Office do not feel able to say that all those outstanding "are being" commuted, as the question is still under discussion with the High Commissioner and the G.O.C. These two have, however, been given a very strong lead in the following sense, i.e. that the G.O.C. should confirm the findings of the courts, but reduce the sentences to penal servitude for life. It is to be hoped that this advice will be followed and in any case the High Commissioner knows that no executions are actually carried out without further reference here.

As regards the "eighty-six", the position is not altogether clear. What has happened is that the High Commissioner has sent this list to Bagdad and posts in other countries where there are Palestinian exiles, but we do not know what, if anything, has been said to persons on this list in order to explain to them that they cannot return to Palestine. For instance, his latest telegram on the subject, No. 535 of June 11th, mentions that they would have been liable on return to Palestine to detention under Article 15 (b) of the Emergency Regulations. But his previous despatch to Bagdad said nothing about this. The Colonial Office are, however, satisfied that the additional paragraph which they have drafted at my request for addition to our draft telegram to Middle Eastern posts meets the High Commissioner's views on this point.

Query: Send letters and telegram.

Bagg 13.6.40

Mr. Butler

This is the best we can do for the moment.

13/6

Not bad

RAB 17/6.

See within acknowledgements from Saudi Minister & Egyptian Ambassador of June 15 & 17.

H. See within C.O. letter 45986/2/40 of 20/6 transmitting copies of tels. 522, 540 & 549 from H.C. for Palestine & nos. 468 & 482 to H.C. (initialled within)

I. Tel No 114 Decypher from Mr Stonehewer Bird, Jedda 24/6 (initialled within)

Action. cons.
Tels.) Bagdad. no 221.
Cairo, no 458
Jedda. no 60.
Repd. Jerusalem. no 484
Beirut. (for Damascus) no 16.
June 14.
S.C.O.
W.O. June 14th
Dft.) Mr. Lake, C.O.
from Mr. Baggallay
June

FLAG A

Later.
As the G.O.C. has now commuted, the draft has been changed back to its original form. J.O.

FLAG B
C 8) CO
WO. June 19th
I 8) CO
WO. July 2nd.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes.

142

+288

This draft telegram to the High Commissioner for Palestine shows how far the discussions about reducing the number of Palestinian exiles abroad and prosecutions in Palestine have proceeded.

(E 1974 B) FLAG B

The first comments of the High Commissioner upon the proposals made by the Arab States are contained in his telegram No. 392 of May 4th. After discussion with the Foreign Office, the Colonial Office sent him in reply two telegrams Nos. 390, of May 22nd, and 397, of May 23rd. These telegrams asked him to examine the possibility of an "amnesty", which might enable the number of exiles to be reduced, and the substitution of civil for military courts for the trial of past offences. They also asked him to go slow on prosecutions, however justifiable, while the present crisis lasts.

(E 1974 Q-1) FLAGS C + D

(E 1974 E) FLAG E

The High Commissioner's reply (No. 462, of May 25th) shows that he sees great difficulty in the way of an amnesty, but is prepared, though somewhat reluctantly, to exchange military for civil courts for past offences, while leaving military courts to deal with future offences. ~~but~~ depriving them of the power to award the death penalty. N.E. The High Commissioner's objections to the amnesty seem to me to have a lot in them and I do not think we can press this point further. What we might do is to urge that he should again review his list of 85 exiles, including the Mufti etc., whom he does not want to return. There can be no question but that many of these would do less harm in Palestine, where we have strong military forces, than in Iraq, where we have none, and they might at least be put in the same position as other exiles of being free to come back if they "consult their conscience" and thereafter feel safe in doing so.

He will even agree, I'd a second-best, to

I agree: the states we can get they list the better.
N.E.
21/5.

On the other hand, the proposed change about the military courts goes a long way to meet the recommendations of the Arab States and should indirectly have a considerable effect, as the High Commissioner suggests, in securing the return of exiles. Moreover, it will get us away from the present difficult position in which men are condemned to death for nominal offences because evidence for much more serious crimes of which the authorities know them to be really guilty is not forthcoming. On balance, therefore, things are fairly satisfactory.

If the High Commissioner agrees to what the Colonial Office now propose, all we need presumably do will be to tell the Arab States privately that we are shortly going to make changes in the Defence Regulations which will amount to the substitution of civil for military courts for past offences and, as regards future offences, go a long way towards meeting their views. N.E. We might also take the opportunity, if the Colonial Office agree, of urging them to advise any of their exiles who are in any doubt as to whether or not they can safely return to bare their souls frankly to the Palestine Government

and/

and ask whether whatever offences lie upon their conscience will ~~not~~ be the subject of prosecution.

As regards executions, the High Commissioner is evidently prepared to go slow on all future cases and this decision has aroused great enthusiasm on the part of H.M. Ambassadors in Cairo and Bagdad. The only outstanding case is that of four men who (some time ago) formed themselves into a court and condemned to death a fellow-Arab of whose loyalty to the cause they had reason to complain. This man was shot and the shooting was a case of plain murder. For reasons which are already familiar, however, it has been necessary to convict the men of "discharging a firearm", which does not of course sound the same thing as murder. It will be seen from the draft telegram that in any case the question of these men will be referred here before any executions are carried out.

H. L. Baggallay

30th May, 1940.

W. Butler

I think the governor's case against an amnesty (which as he says would have also to apply inside Palestine) is valid in present conditions.

As regards the four men, we must await the governor's reply. But we ought to make every effort to ensure that they are not executed for "discharging a firearm". The modern states are being tried pretty high as it is.

W. Butler. 31/5.

Does §3 of the telegram sufficiently reserve this position?

Mr Baggallay
I must speak to the Egyptian Ambassador today. Please discuss.

RcB 1/6

after seeing Mr Baggallay
I will now telephone to the Egyptian Ambassador advising him to see Lord Lloyd.

RcB

NOTHING TO BE WRITTEN IN THIS MARGIN.

M.E. 90 G/9

75986/2/40.

SECRET.

30th May, 1940.

Dear Baggallay

You will remember that at the inter-departmental meeting held here on the 28th May to consider the High Commissioner's telegram No. 462 of the 25th May about the question of Palestinian refugees and the military courts, it was agreed generally that Sir Harold MacMichael's arguments against a general amnesty on the lines proposed in paragraph 4 of the Secretary of State's telegram No. 390 of the 22nd May must be considered decisive and that this proposal should not be further pursued at this stage.

2. It was felt that the representations of the neighbouring States, and the activities of the hostile propagandists, would be sufficiently met by an amendment of the Emergency Regulations affecting the scope of the military courts. As regards the alternative courses of action mentioned in paragraph 6 of the High Commissioner's telegram, there was general agreement that he should be pressed to accept the third alternative, i.e. that the military courts should be retained for dealing with future offences, but that they should not have the power to impose death sentences. This proposal was, however, subject to the understanding that, if the situation in Palestine should deteriorate, it might be necessary to restore the power of imposing the death penalty to the military courts.

3. I now enclose the draft of a telegram to the High Commissioner giving effect to these conclusions.

We

H. L. BAGGALLAY, ESQ.

We should be grateful if you could let us know as soon as possible whether the Foreign Office concur in the terms of the draft.

I am writing similarly to Mackenzie.

Yours sincerely

Eric Luke

TO GO TO FOREIGN OFFICE AND WAR OFFICE FOR CONCURRENCE.

Immediate.

No. Secret.

DRAFT CYPHER TELEGRAM.

HIGHCOMA

JERUSALEM.

Your telegram No. 462.

In consultation with the Departments concerned I have carefully considered the various points raised in your telegram. I am impressed by the considerations mentioned in paragraphs 2-5, and in the circumstances I do not wish to press further the suggestion made in paragraph 4 of my telegram No. 390.

2. While I sympathize with the preference which both you and the G.O.C. feel for the fourth course of action suggested in paragraph 6 of your telegram, I have reached the conclusion that the wider considerations demand that we should go further at this stage to meet the representations which we have received from the Governments of the neighbouring States. In the circumstances therefore, unless you see strong objection, I prefer to adopt course (3), i.e. that the military courts should be retained for future offences but without the power to impose

144

impose death sentences. It will be made clear to the Governments concerned that, if the internal situation in Palestine should deteriorate, it may be found necessary to restore to the military courts power to impose the death penalty for such offences as carrying arms.

3. As regards paragraph 10 of your telegram, I should be grateful for information as to what procedure it is proposed to adopt in the case of the four men mentioned in your telegram No. 459 in view of the considerations referred to in paragraph 2 of my telegram No. 397. ~~I propose not~~ No executions should be carried out without further reference here.

Registry 2096
No. E ~~1974~~/50/31

5a

~~271~~

145A

6th June, 1940.

L. B.
Draft S. E. V.

Mr. Luke,
Colonial Office.

(For Mr. Baggallay's signature)

Dear Luke,

You may remember that when I told you that the Foreign Office concurred in the draft telegram which had just been sent to the High Commissioner for Palestine ~~respecting~~ later the substitution of civil for military courts, I added that, although we had no objection to the telegram going as it was, we should probably address you further on the subject of the Palestine exiles now in Iraq.

2. We do not want to press further the question of an amnesty, ~~to which~~ the objections of the High Commissioner (to this) seem to have considerable force. But we ~~do~~ feel that it might be possible for the High Commissioner to review his list of (Category A 1) eighty-six exiles, whom he does not want to return. There can be no question but that many of these would do less harm in Palestine, where we have strong military forces, than in Iraq, where we have none, and many of them ~~they~~ might at least be put in the same position as other exiles not on ~~the~~ any list ~~of eighty-six,~~ i.e. be left free to come back if they consult their consciences and thereafter feel ~~free to do~~ strong so. 3. We also feel ~~suggest~~ that when the time comes to explain the measures that are being taken to the Iraqi and other Arab Governments, we should suggest to them that they might well encourage any exiles who do feel some doubt about their safety if they were to return to lay their cases frankly before the Palestine Government and ask whether whatever ~~particular~~ offence lies upon their conscience will in fact be the subject of a prosecution. There could, naturally, be no question of giving a general guarantee against prosecution for other offences

which/

which had not been disclosed, but were discovered thereafter. The genesis of this idea is to be found in para. 5 of McMichael's despatch of the 15th March to Baghdad, where he says "...if any man wishes to know whether prosecution awaits him immediately on arrival he can make enquiries ....",

and it is only a question of drawing attention to it.

L.B.
4/6/40

YOURS SINCERELY

(Sd.) LACY BAGGALLAY

NOTHING TO BE WRITTEN IN THIS MARGIN.

145B

~~277~~

(E 2096/50/31).

FOREIGN OFFICE, S.W.1.
6th June, 1940.

Dear Luke,

You may remember that when I told you that the Foreign Office concurred in the draft telegram which has just been sent to the High Commissioner for Palestine about the substitution of civil for military courts, I added that, although we had no objection to the telegram going as it was, we should probably address you further on the subject of the Palestine exiles now in Iraq.

2. We do not want to press further the question of a general amnesty, as the objections of the High Commissioner to this seem to have considerable force. But we feel that it might be possible for the High Commissioner to review his list of eighty-six exiles (Category A 1) whom he does not want to return. There can be no question but that many of these would do less harm in Palestine, where we have strong military forces, than in Iraq, where we have none, and many of them might at least be put in the same position as other exiles not at present on any list i.e. be left free to come back if they consult their consciences and thereafter feel safe in doing so.

3. We also feel that when the time comes to explain the measures that are being taken to the Iraqi and other Arab Governments, we should suggest to them that they might well encourage any exiles who do feel some doubt about their safety if they were to return to lay their cases frankly before the Palestine Government and ask whether whatever offence lies upon their conscience will in fact be the subject of a prosecution. There could,

/naturally,

M.E.V. Luke, Esq.,
Colonial Office.

naturally, be no question of giving a general guarantee against prosecution for other offences which had not been disclosed, but were discovered thereafter. The genesis of this idea is to be found in paragraph 5 of MacMichael's despatch of the 15th March to Bagdad, where he says ".... if "any man wishes to know whether prosecution awaits "him immediately on arrival he can make enquiries ....", and it is only a question of drawing attention to it.

SECRET. 274

M.I.2./252.

31st May, 1940.

Dear

Exam

I acknowledge receipt of your D.O.75986/2/40 dated 30.5.40. forwarding draft of a telegram which the Colonial Office proposes to send to the High Commissioner for Palestine on the subject of the future policy in regard to Military Courts in that country.

I am to reply that the War Office concur with the contents of the telegram in question.

A copy of this letter has been sent to Mr. H.L. Baggallay of the Foreign Office.

Yours

for Director Military Intelligence.

.E.V.Luke, Esq.,
Colonial Office,
S.W.1.

~~275~~

Cypher Telegram from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Date 7th June, 1940. Received 9. 5 p.m. 7th June, 1940.

IMMEDIATE.

No.522 Secret.

D

Your telegram No.439, paragraph 3. The General Officer Commanding feels bound to confirm sentences through in view of political considerations he suggests that I should approach you with a view to ascertaining the opinion of His Majesty's Government in the matter.

2. There appear to be two alternatives (a) for His Majesty's Government to intervene. This if known will be criticized as intereference with the course of justice. You will no doubt give consideration to this aspect. (b) For me to exercise prerogative after confirmation by General Officer Commanding. This I have hitherto never done as a matter of deliberate policy approved to best of my belief by your predecessor. It would not however appear to matter if I did it in this case since after 15th June military courts will not be able to disprove any more death sentences. I therefore suggest best course is to await General Officer Commanding confirmation and then simultaneously announce that I have exercised preggoative. The General Officer Commanding informs me that he raises no objection to this course and in fact prefers it.

3. It is essential that 15th June should not arrive without a decision being taken since weecannot run the risk of these ?villas getting off scot free owing to military court being functus officio.

E1974

4. I find there is one other murder case pending before a military court. The trial began before the receipt of your telegram No.397 secret. Verdict has not yet been given but is expected on 12th June. If death sentence is imposed and General Officer Commanding decides that he must confirm it I suggest that this case should be dealth with in the same way as the case above referred to, sentence confirmation and exercise of prerogative all being announced simultaneously before 15th June.

5. I should be grateful for an early reply.

M.E. INDEXED 276 E 2096/60/31 11 JUN 1940 C

LIMITED DISTRIBUTION.

Pg in Dept.

Decypher. Sir B. Newton (Baghdad).
9th June, 1940.

D. 9.30 a.m. 9th June, 1940.

R. 2.30 p.m. 9th June, 1940.

No. 240.

oooooooooo

'E'

High Commissioner Palestine has sent me copy of his telegram No. 462 secret to Secretary of State for Colonies.

In considering paragraphs 2, 3 and 4 relating to the mischief-making capacity of exiles who may return to Palestine it will no doubt be borne in mind that the question at issue is a choice of evils. Men with such a record are not likely to be wanted anywhere so that the question for decision seems to be where can they do least mischief?

It is obvious that no amount of diplomatic pressure can enable the comparative inefficiency of the Iraqi Government, which genuinely and openly shares the strong local sympathies for the ex-Mufti and his followers, to control their activities in Iraq with half the efficiency of a direct British administration whose sole responsibility is towards Palestine.

Repeated to Jerusalem telegram No. 33.

M.L.

~~277~~ 150

Colonial Office,
Downing Street,

75986/2/40. SECRET

10 June, 1940.

E 2096/50/31

15 JUN 1940

Dear Baggallay

With reference to our telephone conversation on the 8th June, I enclose a copy of the Secretary of State's telegram to the High Commissioner and of Sir Harold MacMichael's reply about the question of future policy with regard to the military courts in Palestine.

2.6.40.

7.6.40.

We should be grateful if you could let us see as soon as possible the terms of the communication to be made to the Egyptian and other Governments, so that we can inform the High Commissioner.

Yours sincerely

Liv Luke

H.L. BAGGALLAY, ESQ.

~~278~~

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Dated 7th June.- Received 5.13 p.m. on 7th June, 1940.

Immediate.

No. 520 Secret.

Your telegram No. 439 and your telegram No. 447. I agree to course (3) mentioned and am glad it will be made clear that should situation deteriorate power of imposition of death sentences may have to be restored to military courts. I should certainly press this.

2. It is proposed to issue necessary amendment to emergency regulations on June 15th with effect from that date.

3. I shall be grateful if you will wire me in advance gist of your communication to neighbouring states in order that I may take same line here. Effect simply stated is that (subject to paragraph 1 above) as from June 15th military courts will try no offence committed before that date and will in any case have no power to impose death sentences. This is of course without prejudice to power of civil courts under ordinary law of land.

4. As regards paragraph 3 of your telegram No. 439 I am replying separately.

75986/2/40.

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 6 p.m. 3.6.40.

IMMEDIATE.
NO. 447. SECRET.

My telegram No. 439. In order that Governments of neighbouring States may be informed simultaneously of action being taken, I should be grateful if you would give me notice in advance of date in which it is proposed to issue amendment to Emergency Regulations.

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75986/2/40.

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 2.45 p.m., 2.6.40.

Immediate.
No.439. Secret.

Your telegram No.462. In consultation with the Departments concerned I have carefully considered the various points raised in your telegram. I am impressed by the considerations mentioned in paragraphs 2-5, and in the circumstances I do not wish to press further the suggestion made in paragraph 4 of my telegram No.390.

2. While I sympathize with the preference which both you and the G.O.C. feel for the fourth course of action suggested in paragraph 6 of your telegram, I have reached the conclusion that the wider considerations demand that we should go further at this stage to meet the representations which we have received from the Governments of the neighbouring States. In the circumstances, therefore, unless you see strong objection, I prefer to adopt course (3), i.e. that the military courts should be retained for future offences but without the power to impose death sentences. It will be made clear to the Governments concerned that, if the internal situation in Palestine should deteriorate, it may be found necessary to restore to the military courts power to impose the death penalty for such offences as carrying arms.

3. As regards paragraph 10 of your telegram, I should be grateful for information as to what procedure it is proposed to adopt in the case of the four men mentioned in your telegram No.459 in view of the considerations referred to in paragraph 2 of my telegram No.397. No executions should be carried out without further reference to me.

154

281

FOREIGN OFFICE,
LONDON, S.W.1.
18th June, 1940.

(~~E.2096/20/31~~).

~~IMMEDIATE.~~

My dear Luke,

With reference to your letter T8066/2/40, of June 10th, enclosing telegrams about the question of the military courts in Palestine, I enclose herewith, in original, the drafts of letters to be sent to the Egyptian and Saudi Arabian representatives in London and of a telegram to our representatives in Bagdad, Cairo and Jedda, telling them what is happening. Before I submit these drafts here, I should be glad to have the comments of the Colonial Office.

Is there anything we can add to the telegrams to the Middle Eastern posts about the reduction of the list of 86 persons in Category A. 1 (see my letter E.2096/20/31 of June 6th) ?

Yours ever,

(SD.) LACY BAGGALLAY.

H.V. Luke, Esq.,
Colonial Office.

COPY FOR REGISTRATION

282

38

155/86

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies. Dated 11th June. Received 10.48 p.m. on 11th June, 1940.

Immediate.
No. 535 Secret.

(85) Your telegram No. 468. Secret. Position of persons in category A.1. is that numbers of orders now exist against numbers 1 to 4 and 62 and 86 only. Orders against numbers 76 and 85 have been revoked. There are also 15 persons to whom you refer.

2 exclusion

2. Regarding the rest the position so far has been that any who returned would in the absence of evidence warranting prosecution have been detained under the emergency regulation 15 B and no breach of faith would have been involved because we had intimated clearly that their presence here would be considered detrimental to public interest.

3. In the new circumstances I agree that after the proposed communication to neighbouring states those in category A.1. against whom there are no exclusion orders and those not included in list 15 against whom specific charges are outstanding will be in the same position as others who can return if they are prepared to take the risk that evidence incriminating them may subsequently come to light.

(7/23) 4. At the same time I would draw your attention to paragraph 4 of my telegram No. 462 pointing out the dangers of the return of exiles in large numbers. All these arguments are strengthened by entry of Italy into the war and you will realize that all of worst terrorists and gang leaders of the rebel(s) are included in list A.1. I am not in a position to contest the view that these persons can do more harm in Iraq than in Palestine but I deprecate giving them direct encouragement to return and suggest fact that they will not be liable to detention under emergency regulation 15B in respect of past offences should not be specifically mentioned.

5. As regards prosecution after proposed announcement if evidence against them comes to light they will be liable to trial before civil courts for past offences and if they commit fresh offences they will be liable for trial before military courts except in the case of capital charges which will go to civil courts.

Registry
No. E 2096/50/51
D

OUT FILE

FOREIGN OFFICE, S.W.1.
June, 1940.

Draft.
Hassan Nashat Pasha
Egyptian Embassy

(From Mr. Butler)

Sheikh Hafiz Wahba
Saudi Arabia
Legation.

(From Mr. Butler)

C.O. for concurrence.

Copy ~~eventually~~ to C.O. and W.O.

W. Butler

[To be telegraphed to Middle Eastern posts with suitable abbreviations].

My dear Ambassador,
Minister,

Careful consideration has, as you know, been given to Your Excellency's representations about the Palestinian exiles living in neighbouring Arab countries.

I am now glad to be able to confirm the information which has already been given to Your Excellency concerning the intention of the Palestine Government to make certain amendments to the Palestine Defence Regulations. These amendments will take effect from 15th June and after that date the Military Courts in Palestine will have no power to try offences committed before it; nor will they have the power to impose death sentences in respect of offences committed after it, ~~which may be tried by them~~ shall. This will, of course, be without prejudice to the powers of the Civil Courts under the ordinary law of the land, and I must add that should the internal situation in Palestine deteriorate His Majesty's Government may find it necessary to revoke the amendments now in contemplation, either wholly or in part.

I gather from what Your Excellency has told me that these amendments to the Palestine Defence Regulations should make it easier for many of the exiles to return to Palestine. His Majesty's

Government/

Government are very pleased that this should be so, since they sincerely desire to do all they can to assist the restoration of normal conditions in Palestine.

RoB
13/6.

Send
L.S.
13/6/40

NOTHING TO BE WRITTEN IN THIS MARGIN.

~~281~~

FOREIGN OFFICE, S.W.1.

14th June, 1940.

No. E 2096/50/31.

Dear Minister

Careful consideration has, as you know, been given to Your Excellency's representations about the Palestinian exiles living in neighbouring Arab countries.

I am now glad to be able to confirm the information which has already been given to you concerning the intention of the Palestine Government to make certain amendments to the Palestine Defence Regulations. These amendments will take effect from the 15th June and after that date the Military Courts in Palestine will have no power to try offences committed before it; nor will they have the power to impose death sentences in respect of offences committed after it. This will, of course, be without prejudice to the powers of the Civil Courts under the ordinary law of the land, and I must add that should the internal situation in Palestine

His Excellency

Sheikh Hafiz Wahba.

Palestine deteriorate His Majesty's Government may find it necessary to revoke the amendments now in contemplation either wholly or in part.

I gather from what Your Excellency has told me that these amendments to the Palestine Defence Regulations should make it easier for many of the exiles to return to Palestine. His Majesty's Government are very pleased that this should be so, since they sincerely desire to do all they can to assist the restoration of normal conditions in Palestine.

Yours sincerely

sd. R.A. Butler

FOREIGN OFFICE, S.W.1.

14th June, 1940

No. E 2096/50/51.

Dear Ambassador.

Careful consideration has, as you know, been given to Your Excellency's representations about the Palestinian exiles living in neighbouring Arab countries.

I am now glad to be able to confirm the information which has already been given to you concerning the intention of the Palestine Government to make certain amendments to the Palestine "Defence" Regulations. These amendments will take effect from the 15th June and after that date the Military Courts in Palestine will have no power to try offences committed before it; nor will they have the power to impose death sentences in respect of offences committed after it. This will, of course, be without prejudice to the powers of the Civil Courts under the ordinary law of the land, and I must add that should the internal situation in Palestine

His Excellency

Hassan Nashat Pasha.

Palestine deteriorate His Majesty's Government may find it necessary to revoke the amendments now in contemplation, either wholly or in part.

I gather from what Your Excellency has told me that these amendments to the Palestine Defence Regulations should make it easier for many of the exiles to return to Palestine. His Majesty's Government are very pleased that this should be so, since they sincerely desire to do all they can to assist the restoration of normal conditions in Palestine.

Yours sincerely

Sd. R.A. Butler.

OUT FILE

Registry No. E 2096/50/31.

D

Draft. telegram.

Sir B. Newton, Baghdad.
Sir M. Lampson, Cairo.
Mr. Bird, Jedda.

No. 229
No. 457
No. 59

Red Cypher.

Ltd. Distribution

Repeat to Jerusalem. 483
Beirut (for Damascus) 15

13/6.

W. Butler

C.O. for concurrence.

Copy ~~eventually~~ to C.O. and W.O.

CYPHER ROOM F.O.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Important

FOREIGN OFFICE, S.W.1

Colonial Office telegrams Nos. 390 [of 22nd May] and 397 [of 23rd May] to Jerusalem [Amnesty question].

~~My immediately following telegram~~ A telegram following shortly contains text of (identical) semi-official letters sent on June 7th by Mr. Butler to Egyptian and Saudi Arabian Representatives, but not to Iraqi Chargé d'Affaires, who has made no move throughout discussions.

2. You may make similar communication to Government to which you are accredited and should stress point about ~~restriction~~ restoration of powers to Military Courts should situation deteriorate.

3. Announcement of amendments to Regulations will appear in Palestine Gazette and Trans-Jordan Gazette ~~[illegible]~~ mentioning them in order to give you some opportunity to do so. Meaning, so far as action here is concerned, no gazette publicity will be sought for these amendments than they attract to themselves spontaneously. It is, however, desirable that Government to which you are accredited should if necessary draw attention thereto of exiles living in their/

their country.

~~4. For your own information. [illegible] Cipher Begins~~

~~Commutation of all outstanding death sentences imposed by military courts are being commuted) is under consideration.~~

Addressed to Cairo No. , Bagdad No. and Jedda No. . Repeated to Jerusalem, ho and Beirut ho (for Damascus)

~~25. For your own information, All outstanding death sentences imposed by military courts are being commuted.~~ Cipher Begins

RWB
13/6.

Send L/S
13.6.40

NOTHING TO BE WRITTEN IN THIS MARGIN.

4 As regards the third ~~289~~ 162
paragraph of the letters, the High Commissioner for Palestine ~~is now prepared to~~ has agreed that persons in Category A in list enclosed with his secret despatch of the 15th March to Bagdad (with exception of Nos. 1-4, 62 and 86, and the fifteen persons mentioned in the attachment against whom there are specific charges outstanding) should now be regarded as in the same position as other refugees who can return if they are prepared to take the risk that evidence incriminating them may subsequently come to light. In that event they would be liable for trial before civil courts for past offences, and if they commit fresh offences they will be liable for trial before military courts except in case of capital charges which will go to civil courts. Position should be made clear to persons concerned.

FLAG A

R Smg

~~280~~

E.2096/50/31.
D.

Code and

LIMITED DISTRIBUTION.

Cypher telegram to Sir B. Newton, (Baghdad) No. 220.
Sir M. Lampson, (Cairo). No. 457.
Mr. Stonehewer Bird, (Jedda) No. 59.

Foreign Office. 14th June, 1940. 1.15 a.m.

No. - (R)

JJJJJJJJJJ

IMPORTANT.

Colonial Office telegrams Nos. 390 [of 22nd May] and 397 [of 23rd May] to Jerusalem [Amnesty question].

A telegram following shortly contains text of identical semi-official letters sent on June 7th by Mr. Butler to Egyptian and Saudi Arabian Representatives, but not to Iraqi Chargé d'Affaires, who has made no move throughout discussions.

2. You may make similar communication to Government to which you are accredited and should stress point about restoration of powers to Military Courts should situation deteriorate.

3. Announcement of amendments to Regulations will appear in Palestine Gazette and High Commissioner may mention them in a broadcast on evening of June 14th. He has been asked to give you advance information if he does so otherwise, so far as action here is concerned, no greater publicity will be sought for these amendments than they attract to themselves spontaneously. It is, however, desirable that Government to which you are accredited should if necessary draw attention thereto of exiles living in their country.

4. As regards the third paragraph of the letters, the High Commissioner for Palestine has agreed that persons in

Category

Category A in list enclosed with his secret despatch of the 15th March to Bagdad (with exception of Nos. 1-4, 62 and 86, and the fifteen persons mentioned in the attachment against whom there are specific charges outstanding) should now be regarded as in the same position as other refugees who can return if they are prepared to take the risk that evidence incriminating them may subsequently come to light. In that event they would be liable for trial before civil courts for past offences, and if they commit fresh offences they will be liable for trial before military courts except in case of capital charges which will go to civil courts. Position should be made clear to persons concerned. ["R" ends.]

5. For your own information, all outstanding death sentences imposed by military courts are being commuted.

Repeated to Jerusalem No. 483 and Beirut No. 15 (for Damascus).

Registry
No E 2096/50/31
D

Draft.

Sir M. Lampson,
Cairo.

No. 458

Sir B. Newton,
Bagdad.

No. 221

Mr. Bird,
Jedda.

No. 60

Telegram.

(R)

Limited Distribution

Repeat:

Jerusalem 484

Beirut 16
(for Damascus)

Copy:

Colonial Office

War Office.

NOTHING TO BE WRITTEN IN THIS MARGIN.

281 1-45 a/ 164

Important 14. 6 40

My Tel No. 220/459/59 [4 June 13:. Powers of Military Courts]

Following is text of identical letters from Mr. Butler to Egyptian and Saudi Arabian representatives: Begins.

Careful consideration has, as you know, been given to Your Excellency's representations about the Palestinian exiles living in neighbouring Arab countries.

I am now glad to be able to confirm the information which has already been given to Your Excellency concerning the intention of the Palestine Government to make certain amendments to the Palestine Defence Regulations. These amendments will take effect from 15th June and after that date the Military Courts in Palestine will have no power to try offences committed before it; nor will they have the power to impose death sentences in respect of offences committed after it. This will, of course, be without prejudice to the powers of the Civil Courts under the ordinary law of the land, and I must add that should the internal situation in Palestine deteriorate His Majesty's Government may find it necessary to revoke the amendments now in contemplation, either wholly or in part.

I gather from what Your Excellency has told me that these amendments to the Palestine Defence Regulations should make it easier for many of the exiles/

exiles to return to Palestine. His Majesty's Government are very pleased that this should be so, since they sincerely desire to do all they can to assist the restoration of normal conditions in Palestine. Ends

Addressed to Cairo No. Bagdad No and Jedda No. Repeated to Jerusalem and Beirut (for Damascus)

13.6.40

NOTHING TO BE WRITTEN IN THIS MARGIN.

(E 2096/50/31.)
D.

LIMITED DISTRIBUTION.

Code telegram to Sir M. Lampson (Cairo) No. 458.
Sir B. Newton (Bagdad) No. 221.
Mr. Stonehewer Bird (Jedda) No. 60.

Foreign Office. 14th June, 1940. 1.45 a.m.

(R).

::::::::::::

IMPORTANT.

My telegram No. 220/451/59 [of June 13th: Powers of Military Courts.]

Following is text of identical letters from Mr. Butler to Egyptian and Saudi-Arabian representatives: Begins.

Careful consideration has, as you know, been given to Your Excellency's representations about the Palestinian exiles living in neighbouring Arab countries.

I am now glad to be able to confirm the information which has already been given to Your Excellency concerning the intention of the Palestine Government to make certain amendments to the Palestine Defence Regulations. These amendments will take effect from 15th June and after that date the Military Courts in Palestine will have no power to try offences committed before it; nor will they have the power to impose death sentences in respect of offences committed after it. This will, of course, be without prejudice to the powers of the Civil Courts under the ordinary law of the land, and I must add that should the internal situation in Palestine deteriorate His Majesty's Government may find it necessary to revoke the amendments now in contemplation, either wholly or in part.

I gather from what Your Excellency has told me that these amendments to the Palestine Defence Regulations should make it easier for many of the exiles to return to Palestine. His Majesty's Government are very pleased that this should be so, since they sincerely desire to do all they can to

assist in restoration of normal conditions in Palestine. Ends.

Addressed to Cairo No. 458, Bagdad No. 221 and Jedda No. 60. Repeated to Jerusalem No. 484 and Beirut No. 16 (for Damascus).

166

M.L.

E2096/50/31

13 JUN 1940

75986/2/40 283

Cypher telegram from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 8.30 a.m., 12th June 1940

- - - - - - - -

Immediate

No. 477. Secret.

Your telegram No.522. Matter has been considered in consultation with War Office and Foreign Office who concur in views expressed below.

2. Of the alternatives mentioned in paragraph 2 of your telegram, there could be no question of adopting the first since His Majesty's Government have no power to intervene. As regards the second, it is considered that exercise of the prerogative in this case would be open to strong objection. As you are aware, this power has not hitherto been used in the case of any sentence by a military court, and War Office feel very strongly that its use would seriously prejudice the position of these courts.

3. Political situation in Middle East, however, renders it desirable that there should at present be no executions for offences committed during the disturbances, and in the circumstances it would appear that best course would be for General Officer Commanding to confirm the findings of the court but at the same time to commute the sentences to imprisonment for life. Similar action could be taken in case referred to in paragraph 4 of your telegram.

4. I should be grateful if you would discuss question on above lines with General Officer Commanding and report decision reached.

Ref. E2096/50/31
add to other papers ~~294~~

ROYAL LEGATION OF SAUDI ARABIA
LONDON

15th June, 1940.

Dear Mr. Butler,

I thank you very much for your letter of the 14th confirming the information already given to me concerning the intention of the Palestine Government to make certain amendments to the Palestine Defence Regulations,

I take this opportunity to express my thanks for the sincere desire of the British Government, expressed in your letter, to do all they can to assist the restoration of normal conditions in Palestine.

Yours sincerely,
Hafiz Wahba

The Rt.Hon.,

R.A.Butler Esq.,
Foreign Office.

X
26/8

M.I.

Comb.

Communications on this subject should be addressed to—
THE UNDER-SECRETARY OF STATE,
COLONIAL OFFICE,
LONDON, S.W.1,
and the following number quoted :—
45986/2/40

~~285~~

F.O. 168

E 2096/50/31

17 JUN 1940

Subject: The commutation of death sentences passed on certain persons in Palestine.

Secret.

Reference to previous correspondence :

Letter from the Colonial Office of the 12th of June 1940.

Telegram 13.6.40.

Transmitted by direction of the Secretary of State for the Colonies.

A copy has also been sent to the War Office.

Colonial Office, Downing Street,
15 June 1940

(*4707) Wt 21545—4338 2,000 7/39 T.S. 695
(*4923—4707) Wt. 25497—4361 10,000 9/39 T.S. 695

~~276~~

CYPHER TELEGRAM From the High Commissioner for Palestine to the Secretary of State for the Colonies.
Dated 13th June, 1940. Received 12.17 p.m. 13th June.

IMMEDIATE.

No. 539 Secret.

F

B

Your telegram No. 477. I realized that His Majesty's Government have no legal powers of intervention and first alternative given in paragraph 2 of my telegram No. 522 was intended to suggest the course which you have in fact followed in paragraph 3 of your telegram under reference.

2. I have now rediscussed the question with the General Officer Commanding in the light of your telegram and he has reluctantly consented to commute the four death sentences to imprisonment for life. His decision will be announced here today or tomorrow.

3. Trial of the case referred to in paragraph 4 of my telegram No. 522 has now concluded and both men were found guilty and sentenced to death. In this case also the General Officer Commanding will commute in view of political considerations urged by His Majesty's Government.

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies Dated 14th June, 1940. Received 10.35 a.m. 14th June.

IMMEDIATE.

No. 543 Secret.

Your telegram No. 482. Thank you. Please see my immediately following telegram for text of telegram sent to Cairo, Baghdad, etc., General Officer Commanding and I feel that propaganda value of decision re military courts will be good and that it is only the now obsolete proposals re amnisty to which reference was made in paragraph 4 of your telegram No. 390 which should get no avoidable publicity.

~~258~~

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Dated 14th June, 1940 Received 1.55 p.m. 14th June, 1940

*****

IMMEDIATE

No. 544

Addressed to Baghdad No. 291 repeated to Cairo No. 292 Jedda No. 293 Beirut No. 294 Secretary of State for the Colonies No. 544.

I shall broadcast in English at 5 p.m. G.M.T. to-night (8 p.m. Palestinian time) Followed by translation in Arabic at 5.10 p.m. G.M.T. and Hebrew at 5.20 p.m. G.M.T. upon general subject of the war with particular reference to 5th columnists and shall take opportunity in passing to mention in terms of the decision which "in view of the improvement in the state of public security in Palestine" has been taken regarding the military Courts and which will have been communicated to you by His Majesty's Government. I shall add only that - "I think that this decision will be generally welcomed because it connotes a step in the return to normal procedure and I only hope that no circumstances will arise such as would necessarily impel me to ask His Majesty's Government to reinstitute the present position. The work falling upon the military courts should of course be greatly lightened for future and I dare say the General Officer Commanding will be able to dispense with some of them althgether. It is fitting in the circumstances that I should pay a very sincere tribute to the work which the military courts have carried out since their inception. I do not see their proceedings except in sofar as they are reported in the press but I have many opportunities of hearing public opinion regarding them and that opinion apart from the more general question of principle involved in their very existence I believe to be that they have in words of the oath which I administered to their President and Members "done right to all manner of people without fear of favour, affection, or ill will." The country owes a real debt of gratitude to them for the part they have played in the supressing of rebellion and enacting justice".

① RAB RaB 18/6
② Dept to keep with pp.
~~299~~

INDEXED

ROYAL EGYPTIAN EMBASSY
LONDON

75, South Audley Street, W.1.

Ref: 586-15/14

17th June, 1940.

Dear Mr. Butler,

I thank you for your letter of the 14th June, No. E. 2096/50/31, the contents of which I have transmitted to my Government.

Thanking you for all the trouble you have taken in this matter -

Yours sincerely,

H. Nashat

The Rt. Hon. Mr. R.E. Butler, P.C., M.P.

173

B12b. Secret

~~30~~096/50/31 H

INDEXED 21 JUN 1940

Communications on this subject should be addressed to—
THE UNDER-SECRETARY OF STATE,
COLONIAL OFFICE,
LONDON, S.W.1,
and the following number quoted:—
75986/2/40

Subject: Military courts in Palestine.

Reference to previous correspondence:

Letter ~~to~~ from the Colonial Office of the 15th June.

Transmitted by direction of the Secretary of State for the Colonies.

(4)

A copy has also been sent to the War Office

X

Colonial Office, Downing Street,
20 June 1940

26/6

(4707) Wt. 21545—4338 2,000 7/39 T.S. 695
(4923—4707) Wt. 25497—4361 10,000 9/39 T.S. 695

Cypher Telegram from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Date 7th June, 1940. Received 9. 5 p.m. 7th June, 1940.

IMMEDIATE.

No.522 Secret.

Your telegram No.439, paragraph 3. The General Officer Commanding feels bound to confirm sentences through in view of political considerations he suggests that I should approach you with a view to ascertaining the opinion of His Majesty's Government in the matter.

2. There appear to be two alternatives (a) for His Majesty's Government to intervene. This if known will be criticized as intereference with the course of justice. You will no doubt give consideration to this aspect. (b) For me to exercise prerogative after confirmation by General Officer Commanding. This I have hitherto never done as a matter of deliberate policy approved to best of my belief by your predecessor. It would not however appear to matter if I did it in this case since after 15th June military courts will not be able to ~~disprove~~ confirm any more death sentences. I therefore suggest best course is to await General Officer Commanding confirmation and then simultaneously announce that I have exercised preggoative. The General Officer Commanding informs me that he raises no objection to this course and in fact prefers it.

3. It is essential that 15th June should not arrive without a decision being taken since weecannot run the risk of these ?villas getting off scot free owing to military court being functus officio.

4. I find there is one other murder case pending before a military court. The trial began before the receipt of your telegram No.397 secret. Verdict has not yet been given but is expected on 12th June. If death sentence is imposed and General Officer Commanding decides that he must confirm it I suggest that this case should be dealth with in the same way as the case above referred to, sentence confirmation and exercise of prerogative all being announced simultaneously before 15th June.

5. I should be grateful for an early reply.

~~302~~

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Dated 13th June, 1940. Received 3.6 p.m., 13th June.

Immediate.

No. 540. Secret.

Your telegram No.468.

I should be glad to know whether there is any objection to my ~~knowing~~ receiving the decision about the ~~revisions~~ military cuts in the broadcast which I am making here tomorrow evening.

~~303~~

CYPHER TELEGRAM from the High Commissioner for Palestine to the Secretary of State for the Colonies.

Dated 14.6.40., Received 8.23 p.m., 14.6.40.

Addressed to Baghdad No.296 repeated to Cairo No.297 Secretary of State for the Colonies No.549. Referring to my telegram No.539 Secret.

My telegram No.236.

1. General Officer Commanding has commuted four death sentences to imprisonment for life. This decision will be announced here today.

2. Trial of another case has just been completed and death sentences passed by the military courts on both the accused. These two death sentences are also being commuted by the General Officer Commanding to imprisonment for life and this will be announced here today in the following terms. Begins. The death sentences on Yousef Ahmed Joghlit and Mohammed Ibrahim Johar which were passed this morning by the Jerusalem Military Court for causing death of Tewfik El Shanti on 31st August 1938 have been commuted by the General Officer Commanding to sentences of life imprisonment. Ends.

F.O

9

~~294~~

75986/2/40

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 6.5 p.m. on 10th June 1940

IMMEDIATE

No. 468 Secret.

Your telegram 520. I am glad that you feel able to agree to course (3). Gist of communication to be made to neighbouring States will be telegraphed to you as soon as possible.

2. I am not quite clear about position of persons in category A in list enclosed with your secret despatch of 15th March to His Majesty's Ambassador , Bagdad. Apart from Nos. 1-4, 62, 76, 85 and 86 in that list and the 15 further persons included in the attachment against whom there are specific charges outstanding, it appears that the remainder are in the same position as other Palestinians in Iraq who can return if they are prepared to take the risk that evidence incriminating them may subsequently come to light. As no exclusion orders have been issued against them they cannot in any case be kept out of Palestine if they present themselves for admission.

3. As I said in my telegram No. 390, my own view, and that of both the Foreign Office and War Office is that these persons can do more harm in present circumstances in Iraq than they could do in Palestine, and I should be grateful if you would consider whether they might not be informed that they may now return if they wish on the same terms as the rest of the refugees, i.e. that if evidence becomes available they may be charged but that they will be tried by a civil and not a military court. I would propose that this point should also be dealt with in the communication to be made to the neighbouring States.

75986/2/40. ~~305~~

CYPHER TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Palestine.

Sent 8.15 p.m. on 13th June, 1940.

Immediate.
No. 482
Secret.

Your telegram No. 540. Text of communication to neighbouring states is being telegraphed to you today or tomorrow morning. It is quite brief and follows lines suggested in paragraph 3 of your telegram No. 520.

2. As explained in paragraph 4 of my telegram No. 390 I did not contemplate that any avoidable publicity should be given to action being taken. I am however content to leave to your discretion whether any mention should be made of this question in your broadcast. If you decide to refer to it, I should be grateful if you would give notice of your intention to H.M. Representatives at Cairo, Bagdad, Jedda and Beirut, stating time of broadcast and repeating your telegram to me.

TW 1004/4

INDEXED

E 2096/50/31

179

~~306~~

LIMITED DISTRIBUTION.

Decypher. Mr. Stonehewer Bird (Jedda)
24th June, 1940.

D. 12. 50 p.m. 24th June, 1940.

R. 10. 55 p.m. 24th June, 1940.

No: 117.

11111111

My telegram No. 98.

I spoke to [? His Excellency] in the sense of your telegram No. 59. He said that Palestinian refugees in Saudi Arabia were harmless, ignorant people of peasant class. They were scattered about the country earning their living. He did not think it was worth while to communicate information to them; they had, he thought, no desire to return.

2. I asked him whether the High Commissioner's speech and the new measures it announced had made a good impression locally. He said yes, as far as those thinking people were concerned who understood the difficulty confronting His Majesty's Government in Palestine. There were, however, people who thought that measures should have gone further, but he himself fully understood and appreciated the position. He feared that His Majesty's Government must have thought that the Saudi Arabian Government's frequent expression of views a nuisance, but he could assure me that it was in a spirit of helpfulness and friendship that Ibn Saud was acting. I said that I was sure His Majesty's Government appreciated Ibn Saud's motive and that full weight was given to the views which His Majesty might express through me as or Sheikh Hafiz Wahba.

§2. Sheikh Hafiz expressed similar appreciations & was assured that H.M.G. would always be delighted to listen to Ibn Saud's views.

Copy C.O.
W.O.

H.V. Courtney Rice 27/6

27/6. Jones, L.O. 27/6/40

1940

E

~~307~~

PALESTINE & TRANSJORDAN.

E 2104
6 JUN 1940

Registry Number } E 2104/50/31

FROM Sir B. Newton
Bagdad.
No. 239
(38/62/40)

Dated 28th May 1940
Received in Registry } 6th June 1940

E: Palestine and Transjordan.

Palestine: Lord Lloyd's appointment, as Colonial Secretary.

Refers to Foreign Office telegram No.188 of 22nd May (E 1974/50/31).

Transmits extract from "Al Istiglal" of 21st May commenting on Lord Lloyd's appointment as Secretary of State for the Colonies and expressing the hope that he as a champion of the Arab cause will be able to settle the Palestine question in favour of the Arabs.

Last Paper.
E 2096

(Minutes.)
Bagdad despatch No. 243 (38/65/40) of May 31

References.

(Print.)

(How disposed of.)
June 14th
C.O. June 15th.

Copy C.O.
H.V. Boyle
12/6
A.V. Crosley-Price.
12th June.
Lord Snaggadley 13.6.40
H.V.B. 14/6.

Action completed.)

(Index.)

Next Paper.
E 2163

20009 9/39 F.O.P.

No. 239.
(38/62/40)

~~308~~

E 6 JUN 1940 51

HIS Majesty's Ambassador at Bagdad presents his compliments to H.M's Principal Secretary of State for Foreign Affairs, and has the honour to transmit to him the under-mentioned documents.

British Embassy,
Bagdad.

E 2104
6 JUN 1940

28th May, 1940.

Reference to previous correspondence:
Foreign Office telegram No. 158 dated 22nd May, 1940.

Description of Enclosure.

Name and Date.	Subject.
Extract from the Local Press dated 21st May, 1940.	Palestine.

3479 18315 (4)

ENCLOSURE IN BAGDAD DESPATCH
NO. 239 OF 28.5.40.

Extract from the Local Press dated 21st May, 1940.

Al Istiqlal.

Topic of the Day.

Arab Friendship.

The Arabs have a considerable number of friends in England who on many occasions took up the defence of the Arab cause on which they hold certain clear views. In these friends of theirs in England the Arabs saw a means for understanding and for the settlement of outstanding problems. Arabs therefore welcomed the defence put on their behalf by their English friends and commended them for the enthusiasm with which they spoke and wrote in defence of the Arab cause and argued for it whether in Parliament or at political meetings. The belief once became prevalent that the Arabs were not without friends in England - friends who champion the cause of usurped rights and a suppressed freedom.

We frankly make the above declaration because it represents a certain truth, on one hand, and, on the other hand, constitutes an expression of gratitude for service rendered, though it be small. One who points out shortcomings must at the same time point out good deeds. The friends of the Arabs in England have often called upon the British Government to act justly by the Arabs whose claims are upheld by written pledges and well-known official declarations.

Lord George Lloyd perhaps heads the list of these friends who have worked for the Arab cause. He has strong relations of mutual friendship with Arab leaders in Iraq, Saudi-Arabia, Egypt, Syria and Palestine, with whose aspirations and inner feelings he is acquainted. He has thundered out his sound views on the colonial policy of his Government, not hesitating to criticise that policy strongly and violently. When, over two years ago, Lord Lloyd visited Arabia he made it known that he was anxious for a settlement

of

of the Arab question and promised to exert continuous efforts for the desired understanding to be reached. He realised that understanding between the Arabs and the English was most essential.

Such was Lord Lloyd's policy in regard to the Arabs before he became a Secretary of State. Now as British Colonial Secretary this friend of the Arabs should be able to render great service to the Arab cause and to follow up his words and views with deeds. Lord Lloyd's appointment as Colonial Secretary was received with great optimism in Arab circles, which now hopefully look forward for a final settlement of the Palestine problem agreeable to Arab interests. He is now in control of the policy and destiny of that afflicted Arab country and is thus in a position to exercise part of his influence in favour of the Arab friendship. From the depths of their hearts Arab leaders wish that this man will act accordingly and by so acting inspire confidence in the loyalty of the friendship of Englishmen and its constancy both in and outside office.

Arabs received the appointment of Lord Lloyd with great hopes, which they hope will not be disappointed but will even increase in strength.

We hope we have succeeded above in giving a faithful idea of the feelings of workers for the Arab cause. The Arabs want to believe in the friendship of the English and in the influence of their friends, such as Lord George Lloyd, who had, a few days before his appointment as Colonial Secretary, intended to visit Arab countries to hold consultations with Arab leaders.

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in Dept.

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E2104/50/31.

No. 243.
(38/65/40)

HIS Majesty's Ambassador at Bagdad presents his compliments to H.M's Principal Secretary of State for Foreign Affairs, and has the honour to transmit to him the under-mentioned documents.

British Embassy,

Bagdad,

31st May, 1940.

Reference to previous correspondence :

Description of Enclosure.

Name and Date.	Subject.
Extract from the Local Press dated 27th May, 1940.	World Zionism. If there are no spare copies, this should go to the CO. in original for perusal & return. H.A. Lyons 14/6 CP. 14/6.

3479 18315 (4)

ENCLOSURE IN BAGDAD DESPATCH
NO. 243 DATED 31ST MAY, 1940. 242

Extract from "Al Istiqlal" dated 27.5.1940.

Arab Question Must Be Vigorously Resuscitated.
World Zionism Energetically at Work Bolstering Up Its Cause.

(Leading article by "Prominent Arab Writer")

XX XXX XX

Again we ask why should the Arab question be resuscitated ? Before, however, answering this question we present to readers below the text of a news telegram which appeared in Palestine newspaper published on the 18th of the current month :-

"Portsmouth, 17th May: The Labour Party Conference has adopted a resolution of sympathy with the Zionist National Home case. The Conference announces that putting an end to the sufferings of the Jews can be achieved only by international help to assist the continuous development of the national home in Palestine. The Conference renews its (pledge of) support for this national home on the basis of the promises and pledges made to the Jews by Britain. The Conference emphasizes the fact that genuine peace cannot be attained without making amends for wrongs committed against the Jewish people, and it will be a duty of the new international order which is to follow the war to afford social, political and economic equality for the Jewish people and for 'international Arab minorities' (sic - The "sic" is in the original Arabic - Translator).

"The Conference declares that the Jewish people should be enabled to represent itself at the coming peace conference when those in conference will discuss outstanding questions concerning that people."

From the above resolution adopted by the Labour Conference concerning the Zionist question, Arabs will realise that even in the course of the present human catastrophe and the

the predicament confronting the Allies world Zionist leaders maintain their efforts with the utmost energy and have been holding a succession of conferences in England, Switzerland and the United States of America for the purpose of promoting their cause, victory for which would mean defeat for the Arab cause and a crushing blow for the Arab race.

Having regard to such activity on the part of Zionists, can Arabs throughout the world afford to neglect discharge of the obligation resting upon them ?

The resolution adopted at the Portsmouth Conference is such as should drive Arabs into activity in the service of their cause. Arabs must not submit to an accomplished fact, lest that when peace is concluded they should be regarded a negligible quantity, while their adversaries would reap a fine harvest representing the result of their activity and vitality.

As to who should undertake the resuscitation of the Arab question, this is the duty of independent Arab Governments, who must not ignore future dangers, and who, apparently, already palpably feel these dangers. Hence the noticeable constant attention being lent by Arab Governments to the Arab question. We must, however, make it quite clear that if Arab Governments fail in their efforts to solve the Syrian and Palestinian problems and to settle all outstanding questions affecting these two countries, such failure will lead to the great disaster of keeping certain Arab countries separated from one another and placing the rest of Arab countries under the absolute authority of the victor in the present war. By then it would be no longer of any avail for force to confront greater force; while efforts, endeavours and rebellion would be equally useless.

It is folly again to trust in promises and pledges, having, as we had, participated in the last war with the results we now see and palpably feel.

Only

Only an early change in the regimes now obtaining in dominated Arab countries and an expeditious settlement of the problems of the remaining Arab countries can inspire confidence and bring about reassurance.

Arabs feel most fearful lest they should find themselves faced with an accomplished fact when the peace conference is held and the fortunes and destinies of nations are placed on the table for disposal and the spoils of victory come up for division among the victors. They fear lest they should be left without representatives at the conference to claim and defend their natural right of existence, and that no account would be taken of the Arabs in the councils of nations and that Arab countries would be regarded among the spoils of the war to be disposed of at will by the victors.

World Zionism is actively and energetically at work. We should act equally actively and energetically, lest we might be taken unawares.

When we say world Zionism we mean every Zionist throughout the world who shares the aspirations and wishes of the Portsmouth Conference.

Are readers aware that Monsieur Blum, once Prime Minister of France, took part at the Portsmouth Conference and delivered at it a lengthy speech on the subject of the National Home ?

E

PALESTINE & TRANSJORDAN.

E 2163/50/31.

TELEGRAM FROM
Sir B. Newton, Bagdad.
276
Decypher.

19th June, 1940.

20th June, 1940.

E: Palestine and Transjordan.

Palestinian refugees and trial by military courts.

Refers to Foreign Office telegrams Nos. 220 and 221 of 14th June (E 2096/50/31 D).
Has informed Minister for Foreign Affairs accordingly.

(Repeated Jerusalem No. 35. Copied to Middle East Intelligence Centre No. 7 Saving).

Last Paper.
E 2104. (E 2096)

(Minutes.) f) Bagdad despatch No. 299 (38/73/40) of June 24

References.

(Print.)

(How disposed of.)
To C.O.
W.O.
June 24th

July 12th

(Index.)

Next Paper.
E 2270

Copy G.O.
W.O.

A.V. Cowley-Price
22nd June
L.O. 226.40

~~316~~ E

E 2163

LIMITED DISTRIBUTION.

20 JUN 1940

Decypher. Sir B. Newton, (Bagdad). 19th June, 1940.

D. 4.25 p.m. 19th June, 1940.

R. 8.40 p.m. 19th June, 1940.

No. 276.

nnnnn

E2096/50/31

Your telegrams No. 220 and No. 221 and Jerusalem telegram [grp. undec.].

I spoke to the Minister for Foreign Affairs accordingly and handed him list after having written letter June 15th similar to that already addressed to Egyptian and Saudi Arabian representatives in London. I feel letter was due to General Nuri. He may have instructed Iraqi representative to make no movement in London in order not to embarrass His Majesty's Government - see my telegram No. 154. Minister for Foreign Affairs was pleased at my communication.

Repeated to Jerusalem No. 35. Copies by bag to Middle East Intelligence Centre No. 7 Saving.

No. 299
(38/73/40)

~~317~~

E 2463/50/31
10 JUL 1940

190
A

HIS Majesty's Ambassador at Bagdad
presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs
and has the honour to transmit to him the under-mentioned documents.

British Embassy,
Bagdad.

24th June, 1940

Reference to previous correspondence :

Foreign Office telegram No. 221 dated 14th June 1940.

Description of Enclosure.

Name and Date.	Subject.
Extract from Local Press dated 21st June 1940.	Palestine

Copy G.P. Hankey 11/7
CP. 11/7.

3479 18315 (4)

ENCLOSURE IN BAGDAD DESPATCH
NO.299 DATED 24th JUNE, 1940

Extract from Local Press dated 21st June, 1940.

AL BILAD

BRITISH GOVERNMENT MODIFY
DEFENCE REGULATIONS IN PALESTINE

The British Government decided to introduce, with effect from the 15th of the current month of June, certain amendments into the "Defence Regulations" in force in Palestine. Under these amendments Military Tribunals in Palestine will not be empowered to try offences committed prior to that date, or to inflict the death penalty for offences committed subsequent to the same date. This of course will not affect the powers vested in Civil Courts by the ordinary laws of Palestine.

It is understood that these amendments will be acted upon for as long as a state of peace and tranquillity is maintained in Palestine.

These amendments introduced into the Defence Regulations in Palestine will have the effect of facilitating the return home of many Palestinian refugees abroad, the British Government being anxious to do all that they can to help the restoration of conditions in Palestine to normal.

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E ~~319~~

1940

PALESTINE & TRANSJORDAN

E 2270
12 JUL 1940

Registry Number } E 2270/50/31

FROM
Sir M. Lampson
No. (Cairo) 707 (2/108/40)

Dated 24th June, 1940.
Received in Registry } 12th July, 1940.

E: Palestine and Transjordan.

Memorandum from Palestine Arab Party to Secretary of State for Colonies.

Transmits letter to Lord Lloyd, from Mr. Emile Ghoury, Secretary of Palestine Arab Party, enclosing memorandum on Palestine question.

Last Paper.

E2463

References.

A) C.O. letter 75872/12/40 of Aug. 1 (Minutes.)
B. C.O. letter 75872/111/40. of 25 Nov.

(Print.)

(How disposed of.)

July 16th

I imagine that Mr. Ghoury has been encouraged to write this letter to Lord Lloyd by Colonel Newcombe — the first fruits of this letter's mission.

Aff. to C.P. submitted herewith.

CP. 15/7.

I think it is a pity to return any reply at all to these lucubrations.

CP. 15/8

All these communications with Mr. Ghoury merely encourage him to have large ideas of his own importance.

CP. 11/12.

Action (Index.) completed.)

Next Paper.

E2453

No. 707.
(2/108/40)

BRITISH EMBASSY,
CAIRO.
24th June, 1940.

My Lord,

I have the honour to transmit to Your Lordship a letter addressed to Lord Lloyd, Secretary of State for the Colonies by Mr. Emile Ghoury, Secretary of the Palestine Arab Party enclosing a memorandum on the Palestine question.

2. Mr. Emile Ghoury, who is at present resident in Cairo, sent the enclosed letter to the Embassy with the request that it might be forwarded to Lord Lloyd.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient, humble servant.

The Right Honourable
Viscount Halifax,
K.G., P.C., G.C.S.I., G.C.I.E.,
etc., etc., etc.,

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No:
E.2270/50/31

H.M.E.

Draft.

The Colonial Office.

Enclosure in E2270 in original

16a

~~321~~ 16 July, 1940.

OUT FILE

Sir,

I am directed etc. to transmit to you, herewith in original, a letter addressed to the Secretary of State for the Colonies by Mr. Emil Ghoury, Secretary of the Palestine Arab Party.

2. Mr. Ghoury, who is at present resident in Cairo, sent this letter to H.M.Embassy with the request that it ~~might~~ should be forwarded to Lord Lloyd.

CP. 157.

(Sd.) LACY BAGGALLAY.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No:
E.2270/50/31

H.M.E.

Draft.

The Colonial Office.

Enclosure in E2270 in original

160

~~321~~ 16 July,1940.

Sir,

I am directed etc. to transmit to you herewith in original a letter addressed to the Secretary of State for the Colonies by Mr. Emil Ghoury, Secretary of the Palestine Arab Party.

2. Mr. Ghoury, who is at present resident in Cairo, sent this letter to H.M.Embassy with the request that it ~~might~~ should be forwarded to Lord Lloyd.

CP.
157.

NOTHING TO BE WRITTEN IN THIS MARGIN.

E 2270/50/31.

322.

OUT FILE

FOREIGN OFFICE,
S.W.1.
16th July, 1940.

Sir,

I am directed by Viscount Halifax to transmit to you herewith in original a letter addressed to the Secretary of State for the Colonies by Mr. Emil Ghoury, Secretary of the Palestine Arab Party.

2. Mr. Ghoury, who is at present resident in Cairo, sent this letter to His Majesty's Embassy with the request that it should be forwarded to Lord Lloyd.

I am,
Sir,
Your obedient Servant,

The Under-Secretary of State,
Colonial Office.

M.I.

Colonial Office Reference No. 75872/12/40 ~~323~~

With the compliments of the U.S. of S.
Colonial Office

E 2270/50/31
23 AUG 1940

A

Date 1.8.40

Colonial Office,

Reference (2) 9.0 letter E 2270/50/31 of 16.7.40

Downing Street.

31 JUL 1940

Sir,

8th June, '40

I have the honour to transmit to you the enclosed copies of a letter and statement addressed to me, through His Majesty's Embassy in Cairo, by Mr. Emil Ghoury, the Secretary of the Palestine Arab Party.

2. While I should be reluctant to enter into any detailed discussions with any Arab leader so closely associated, as is Mr. Ghoury, with Haj Amin al Husseini, I consider that it would be inadvisable to leave Mr. Ghoury without any reply to his representations. I accordingly suggest that, unless you see any objection, a letter should be addressed to him by the Chief Secretary, and sent under flying seal through H.M's Ambassador, intimating that his communication to me has been received, and that a reply is being sent to him, by my direction on the lines indicated in the following paragraphs.

3. It might be pointed out that His Majesty's Government see no reason to make any change in their policy for Palestine as laid down in May, 1939, and that it remains unchanged. It might further be explained that immigration and land sales are already being regulated in accordance with that policy, and that there is no truth in the statement that 75,000 Jewish immigrants have entered Palestine since that date.

4. As regards constitutional development, it should be explained that His Majesty's Government have not so far been able to regard peace and order as sufficiently restored for the first

HIGH COMMISSIONER

SIR HAROLD MacMICHAEL, K.C.M.G., D.S.O.

etc., etc., etc.

first step to be taken, nor do they think it likely that the first step can be taken while the present war continues; but they hope and expect that, when the war is ended, conditions in Palestine will permit the various steps of constitutional development to follow upon one another on the lines laid down. It might finally be useful to inform Mr. Ghoury briefly of the measures of leniency which have recently been adopted towards Arab political internees and prisoners, and of the recent limitation of the jurisdiction of the military courts.

5. I should be grateful if I might be furnished in due course with a copy of the letter sent to Mr. Ghoury.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(Signed) LLOYD

M.I. 7E

E 2220/50/31 B. 197

324 29 NOV 1940

Communications on this subject should be addressed to—

THE UNDER-SECRETARY OF STATE,
COLONIAL OFFICE,
LONDON, S.W.1.

and the following number quoted :—

75872/111/40

Reference to previous correspondence :—

Letter ~~to~~ from the Colonial Office of the 7th. of August, 1940. 7.1st.

DOWNING STREET,

25 Nov. 1940.

Sir,

I am directed by the Secretary of State for the Colonies to transmit to you for the information of the Secretary of State for Foreign Affairs, copies of the papers noted below.

I am,

Sir,

Your most obedient servant,

[redacted]

A. C. C. PARKINSON

The Under Secretary of State
Foreign Office.

Description of Enclosure.

Name and Date.	Subject.
Letter dispatch from the High Commissioner for Palestine - 23.9.40 (with enclosure)	Emile Eff. Ghoury.

Copy also sent to

(3119—1446) Wt. 27838—4136 500 10/38 T.S. 695
(3202—1446) Wt. 27838—4136 4,500 10/38 T.S. 695

~~325~~

PALESTINE.

SECRET.

REFERENCE NO. O.S.335.

23rd September, 1940.

My Lord,

I have the honour to refer to your despatch secret (2) of the 31st of July, 1940, concerning a letter addressed to you on the 8th June, 1940, by Emile Eff. Ghoury, and to enclose for your information a copy of the letter which on your instructions has been sent to Emile Eff. Ghoury through His Majesty's Ambassador in Cairo.

Enclosure I.

I also enclose a copy of my covering despatch to the Ambassador.

Enclosure II.

2. I should like to take this opportunity to place the following on record concerning Emile Eff. Ghoury.

He is in no sense a responsible leader, but an adventurer pure and simple, taken up by Haj Amin who was anxious to have a following amongst the Christian communities as well as amongst Moslems, and nothing more or less than a creature of Haj Amin. Apart from his qualifications as an agitator it may be assumed that in taking him up Haj Amin was particularly influenced by the fact that he is a member of the Orthodox community and could be used to offset to some extent the influence of Yacoub Eff. Farraj who is a prominent member of that community but a staunch supporter of the rival Nashashibi faction.

I notice that in his memorandum to you Emile Eff. Ghoury styles himself "General Secretary of the Palestine Arab Party". It is true that he belongs to that party and this fact is worthy of notice inasmuch that the Palestine Arab Party was founded and led by Jamal el Husseini. With

Right Honourable
The Lord Lloyd of Dolobran, P.C.,
G.C.S.I., G.C.I.E., D.S.O.,
His Majesty's Principal Secretary of State
for the Colonies.

P.T.O.

the exception of Emile Ghoury and Jamal Husseini, who are in Iraq and Egypt respectively, the other members of that party are scattered in different localities in Palestine and are not taking any active part in politics. Consequently it can be said that although the "Palestine Arab Party" still exists in the sense that it has not been formally dissolved, it hardly exists de facto and, in effect, this so called party means nothing more at the present time than Jamal Husseini and Emile Ghoury, both of whom are firmly bound to Haj Amin. I think that the analysis could reasonably be carried to the logical conclusion that Emile Eff. Ghoury's views and activities are really those of Haj Amin under a thin disguise.

3. In connection with the more recent activities of Emile Eff. Ghoury the enclosed extracts from two summaries issued by the M.E.I.C. in Cairo on the 10th and 14th September, 1940, respectively are of interest. It will be seen that he is described as the "chief representative of the Mufti in Egypt" and the correspondence referred to, which is not the first of its kind, indicates that he maintains regular communication with Haj Amin through Munif el Husseini.

Enclosure III.
Enclosure IV.

He has also endeavoured to establish himself as an "Agency" in Egypt for Palestinian refugees on exiles by approaching the British Embassy on their behalf and as an example of this I enclose for your information a copy of a communication from Emile Eff. Ghoury which was forwarded to me by His Majesty's Ambassador in Cairo in August 1940. I would mention that in reply to this communication I informed His Majesty's Ambassador that as none of the persons mentioned was the subject of an exclusion order or of a specific charge there was nothing to prevent their return to Palestine, if they wished to do so, subject to the reservation that no immunity or amnesty was granted; they

Enclosure V.

would therefore have to consult their consciences as to whether they were prepared to take the risk that evidence incriminating them might subsequently come to light.

4. It is worthy of note that Emile Eff. Ghoury himself made enquiries late in May 1940 as to whether the authorities had any objection to his return to Palestine. I enclose a copy of the reply sent to the Embassy in Cairo through whom the enquiry was received.

Enclosure VI.

From the information contained in the third and fourth enclosures to this despatch it would seem that it has now been decided by the Mufti and his followers that it is essential that Emile Eff. should remain in Egypt instead of returning to Palestine. It is open to doubt whether he really contemplated returning or whether his enquiry was merely designed to ascertain our attitude towards himself and others of his ilk.

You will observe from the third enclosure herein that Emile Eff. mentions the treatment meted out to a certain Sheikh Sabri Abdin as having deterred others who wished to return. I send you as enclosure VII to this despatch a copy of an explanation of this incident which I sent to His Majesty's Ambassador in Cairo on the 19th August, 1940. The incident was unfortunate, particularly as it may have been exploited by Emile Ghoury and other supporters of the Mufti who in my opinion may not desire too many Palestinian exiles of their following to return peacefully to Palestine as it would suit their purpose better to maintain the cry of persecution in support of their main aims.

Enclosure VII.

I have the honour to be,
Your Lordship's
most obedient,
humble servant,

HIGH COMMISSIONER
FOR PALESTINE.

ENCLOSURE I.

~~227~~

C.S. 335. 28th September, 1940.

Sir,

I am directed to inform you that your letter of the 8th June, 1940, enclosing a statement on the Palestine question was duly received by the Secretary of State for the Colonies who has referred it to His Excellency the High Commissioner with a request that the following reply should be sent to you.

2. His Majesty's Government see no reason to make any change in their policy for Palestine as laid down in May, 1939; it remains unchanged. Immigration and land sales have already been regulated in accordance with that policy, and there is no truth in the statement that 75,000 Jewish immigrants have entered Palestine since the date on which the present policy was laid down.

As regards constitutional development, His Majesty's Government have not so far been able to consider conditions in Palestine to be sufficiently stable for the first step to be taken, nor do they think it likely that it can be taken while the present war continues; but His Majesty's Government hope and expect that when the war is ended conditions in Palestine will permit the various steps of constitutional development to follow one another on the lines laid down.

I am to state, for your information, that during the present year Government has responded to the improvement in conditions in Palestine by greatly relaxing the strict measures which were necessitated by security considerations in the past.

P.T.O.

Emile Eff. Ghoury,
No. 3 Rue Ibrahim,
Heliopolis,
Egypt.

A very large number of detainees have been released and the review of such cases is conducted at intervals on the basis of the state of security obtaining and the merits of each individual case; measures have been taken to clarify the position in regard to, and to facilitate the return of those Palestinian exiles and absentees against whom there is no exclusion order or specific charge, and several exclusion orders have been revoked by the High Commissioner at the request of the persons concerned; arrangements have been made for the review in certain deserving cases of sentences passed in connection with the disturbances. As a result a number of persons have been released and in other cases sentence has been reduced. Moreover, steps were taken with effect from the 15th June, 1940, to limit the jurisdiction of the Military Courts in Palestine to offences committed prior to that date, and to remove from the jurisdiction of the Military Courts, with effect from that date, all cases involving a capital charge irrespective of the date on which the offence was committed; in other words, sentence of death can now only be passed by a competent Civil Court.

I am,
Sir,
Your obedient servant,

CHIEF SECRETARY.

~~328~~

C.S. 335. 23rd September, 1940.

Sir,

I have the honour to enclose, under flying seal, a letter which I have caused to be addressed to Emile Eff. Ghoury in compliance with instructions sent to me by the Secretary of State for the Colonies.

I shall be grateful if you will be so good as to have this letter delivered to Emile Eff.

2. A spare copy of the letter is enclosed for retention by you if you so desire.

I have the honour to be,
Sir,
Your obedient servant,

HIGH COMMISSIONER
FOR PALESTINE.

His Majesty's Ambassador,
Cairo.

SECRET. ENCLOSURE III.

Extract from M.E.I.C. Censorship Summary
No. 45 for 2nd-10th Sept.

Palestine

23. With reference to paragraph 18, sub-para 1, Summary No.41, and paragraph 25, sub-paras 1 and 2, Summary No.42, Emile el Ghoury wrote to Munif el Husseini in Baghdad on 27th August saying that he had decided, after all, to remain in Cairo for the time being. The treatment meted out to Sheikh Sabri at Kantara had also deterred others who wished to return.

Presumably in reply to Munif's letter of 12th July reported in paragraph 14, sub-paras 5 and 6 of Summary No.38, el Ghoury says "as regards Newcombe, I understand what you have said and you may rest assured that they will not succeed in what they expect to do".

He adds that as desired by addressee, he has decided to buy property in Garden City near that of Rafiq and Sami el Sarag. It is interesting to note that despite pleas of poverty, they appear to have money to invest in property.

Munif el Husseini, writing to Emile el Ghoury on 27th August advises him that his stay in Egypt is essential; "it is in our interests in several ways".

ENCLOSURE IV.

Extract from M.E.I.C. Daily Intelligence Summary No.312 dated 14th Sept. 1940.

2. **Palestine.**

Rebel Activities. (Not to be quoted)

Emile el Ghoury, one of the leading Christian pan Arabs and the chief representative of the Mufti in Egypt, wrote to Munif el Husseini in Baghdad on 10th September, the letter obviously being intended for the Mufti. In it, after dealing with questions of rebel finance and administration and Colonel Newcombe's visit, the writer gives a long dissertation on "Agricultural" prospects, as a medium for conveying information to the following effect :-

The situation was now ripe for a renewal of rebellion (presumably in Palestine). The harvest was in, and owing to this, and because of the economic situation in Syria, recruits could be obtained cheaply. There were few troops in the country on internal security duties, the remainder being occupied in training for war, etc. Local sentiment was not strong for rebellion, the Arab Committee may not be able to find the money, or agree that the time was ripe. The writer however was willing to risk all he had (he is a rich man) and gave a list of people willing to join him. He asks that the question of a meeting in Cairo or Jerusalem to discuss renewal of rebellion be considered.

ENCLOSURE V.

~~321~~

E.A. GHORY,
3 Rue Ibrahim,
Heliopolis

John Hamilton Esq.,
The British Embassy,
Cairo.

August 2nd 1940.

Dear Sir,

Several Palestinian Arabs, had taken refuge in Egypt during the last two years, because of their political activities and because of the conditions prevailing in Palestine. Those persons desire to return to their country, but desire to make certain that there is no objection to their returning. Some of them have been allowed to do so, by an official letter from the British Embassy in Baghdad to the Iraqi Foreign Office. Those persons are: Sabri Abdine, Telal Abdine, Taher Fityani, Rofiq Husseini, Raouf Nseibeh, Muneer Farah, and E. Ghory.

We shall be greatly obliged therefore, if you will kindly take the necessary steps to find out from the Palestine authorities, at your early convenience, whether the following persons may return to Palestine.

Ahmad Bayyoud el Tamimi	(Hebron)
Abdel Fattah Abd el Baset Tamimi	"
Misbah Hijazi	"
Khaled Abou Umeir Jilany	"
Yunis " " "	"
Abdel Razzak Jilany	"
Ragheb Falah Ussaily	"
Muneer Arafeh	"
Saud Eadeh	"
Shukry Zaytoun	"
Misbah Zaytoun	"
Kamel Sawafiri	(Gaza region)
Said Ya'quobi	" "
Abdullah Abu Sitteh	Beersheba
Mahmoud Abdel Qader Teilakh	(Hebron district)
Abdel Rahim El Sughayar	Hebron
Mohammad Al Almaji	(Hebron district)
Abdel Fattah Kawasmeh	Hebron
Na-im Naji Kawasmeh	Hebron

Thanking you exceedingly for your courtesy and good attention.

Yours faithfully,

(Sgd.) E.A. Ghory.

SECRET

ENCLOSURE VI.

SF/19/40.

Sir,

With reference to your despatch No.43(2/96/40) of the 21st May, 1940, on the subject of an enquiry by Emile A. Ghoury as to whether the authorities have any objection to his return to Palestine, I have the honour to inform you that while his return is not desirable there is in fact nothing to prevent him from returning as there is no exclusion order in force nor any specific charge outstanding against him.

2. In these circumstances I have no objection to Emile Ghoury being informed that subject to normal passport formalities there is no need for him to seek permission to return to Palestine as there is nothing to prevent him from doing so should he so desire. It is however desirable that he should be told that the fact of his being allowed to return would not imply an amnesty in any form and would not grant him immunity from legal action in respect of any act of violence or criminal offence which he may have committed or instigated.

As stated above there is no specific charge outstanding against him at the present time, but he should consult his conscience as to whether he is prepared to take the risk that evidence incriminating him may subsequently come to light.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) HAROLD MACMICHAEL

HIGH COMMISSIONER
FOR PALESTINE.

Majesty's Ambassador,
Cairo.

~~323~~

ENCLOSURE VII.

SF/19/40

19th August,1940.

Sir,

With reference to your despatch No: 77(2/121/40) of the 5th August,1940, I have the honour to inform you that the unfortunate misunderstanding about Sheikh Sabri Abdine had already been reported here and that steps were taken to remedy it.

2. The Police authorities state that no attempt was made to arrest Sheikh Sabri at Kantara but it is admitted that owing to a misunderstanding he was told at Kantara that he would be detained on arrival in Palestine. It appears that the Police officer concerned intended to detain Sheikh Sabri on arrival in Palestine and to refer to higher authority for instructions.

3. Steps have been taken to ensure that if Sheikh Sabri still wishes to return to Palestine he will not be hindered from doing so or detained on arrival in this country. Sheikh Sabri had returned to Cairo before the facts became known to Police Headquarters but action was taken to convey to his relation Talal Abdin (who came through Kantara at the same time and completed the journey to Palestine without hindrance) that Sheikh Sabri could safely resume his journey without fear of being molested. I do not know however whether this message was actually passed on to Sheikh Sabri.

4. This incident was an isolated one and arose out of a misunderstanding and there is no change of the policy already laid down in the previous correspondence on the subject of Palestinian absentees who wish to return.

I have, &c.,

(Sgd.) Harold MacMichael

HIGH COMMISSIONER FOR PALESTINE.

His Majesty's Ambassador,
British Embassy,
CAIRO.

E

~~321~~

21

E 2453/50/31.

TELEGRAM FROM
Mr. Stonehewer-Bird,
Jedda.
Decypher.
194.
20th Aug. 1940.
Received
21st Aug. 1940.

E: Palestine and Transjordan.

Yusuf Yasin's proposed visit to High Commissioner for Palestine.

Refers to Jedda telegram No. 179 of 10th August (E 2014/50/31).

Ibn Saud has enquired, through Amir Faisal, the purpose of proposed visit. Has replied that no formal discussion was intended. High Commissioner's invitation was just to ensure that if Ibn Saud had any views to exchange his representative would always be welcome.

Will modify this reply, if it is thought necessary, on visit to Amir Faisal next week.

(Repeated Cairo No. 64 for Middle East Intelligence Centre, Bagdad No. 574 Jerusalem No. 47).

Last Paper.
E 2270 (E 2014)

References.

(Minutes.)

(Copy sent to Mr. Luke, CO.)

Mr. Bird seems to have said all that is necessary and I do not think we need ask him to add anything to his reply. The CO. agree.

Eg. x

CP. 20/8.

H.M. Lyons 22/8

(Print.)

(How disposed of.)
Mr. Luke. C.O.
Aug. 21st.

(Index.)

Next Paper.

E 3~~25~~

LIMITED DISTRIBUTION.

Decypher. Mr. Stonehewer Bird (Jedda).
20th August, 1940.

D. 4 p.m. 20th August, 1940.
R. 10.50 p.m. 20th August, 1940.

No. 194.

****

IMMEDIATE.

My telegram No. 179. E 2014 G

Amir Faisal in a private letter tells me that Ibn Saud would like to know what his representative would be expected to do [Grp. undec.] in Palestine. He says his views are well known and he has no suggestions to make, but the Arabs continually make suggestions to him which he regards it as his duty to pass on to His Majesty's Government "because we (Ibn Saud) are nearer to them than others". His Majesty's Government only have to acquaint him with their suggestions and he will assist them.

2. I have replied there was no question of asking Ibn Saud to send a representative for formal discussions. His Majesty I gathered, agreed that no useful purpose would be served by discussions such as were suggested by ~~[?Izzey]~~ Nari Pasha. Ibn Saud's views were, as he said, already well known to His Majesty's Government and his attitude was greatly appreciated. His Britannic Majesty's High Commissioner's object in issuing invitation was, I thought, to assure Ibn Saud that if at any time he thought it useful to exchange views with His Excellency and obtain first hand information on the situation, his representative would be welcomed and given all facilities.

3. I shall be grateful if you will inform me whether you wish me to modify this reply in conversation with the Amir Faisal whom I hope to visit next week.

Repeated to Cairo No. 64 for M.I.C.E., Bagdad No. 57 and Jerusalem No. 47.